UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
1st meeting
held on
Tuesday, 21 September 1993
at 5.10 p.m.
New York

SUMMARY RECORD OF THE 1st MEETING

Temporary Chairman: Mr. INSANALLY (President of the General Assembly)

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ELECTION OF THE CHAIRMAN

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Distr. GENERAL
A/C.3/48/SR.1
29 September 1993

ORIGINAL: ENGLISH

93-81317 (E)

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The meeting was called to order at 5.10 p.m.

ELECTION OF THE CHAIRMAN

1. Mr. SUCHARIPA (Austria) nominated Mr. Kukan (Slovakia) for the office of Chairman.

2. In the absence of further nominations and in accordance with rule 103 of the rules of procedure, the TEMPORARY CHAIRMAN said that he would take it, if he heard no objection, that the Committee wished to elect Mr. Kukan (Slovakia) Chairman.

3. Mr. Kukan (Slovakia) was elected Chairman by acclamation.

The meeting rose at 5.15 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
2nd meeting
held on
Tuesday, 5 October 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 2nd MEETING

Chairman: Mr. KUKAN (Slovakia)

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EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN INDIA

ELECTION OF OFFICERS

STATEMENT BY THE UNDER-SECRETARY-GENERAL OF THE DEPARTMENT OF POLICY COORDINATION AND SUSTAINABLE DEVELOPMENT

ORGANIZATION OF WORK

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Distr. GENERAL
A/C.3/48/SR.2
11 October 1993

ORIGINAL: ENGLISH

93-81415 (E)

The meeting was called to order at 10.20 a.m.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN INDIA

1. The CHAIRMAN, on behalf of all the members of the Committee, extended his sympathy to the Government and people of India in connection with the devastating earthquake that had recently struck that country.

2. Ms. MANIMEKALAI (India) thanked the Chairman for the expression of sympathy.

ELECTION OF OFFICERS

3. The CHAIRMAN said that the Group of Western European and other States had proposed Mr. van der Heijden (Netherlands), and the Asian Group of States had proposed Ms. Al-Hamami (Yemen) for the offices of Vice-Chairmen.

4. Mr. van der Heijden (Netherlands) and Ms. Al-Hamami (Yemen) were elected Vice-Chairmen by acclamation.

5. The CHAIRMAN said that Ms. de Maldonado (Guatemala) had been proposed by the Group of Latin American and Caribbean States for the office of Rapporteur.

6. Ms. de Maldonado (Guatemala) was elected Rapporteur by acclamation.

STATEMENT BY THE UNDER-SECRETARY-GENERAL OF THE DEPARTMENT OF POLICY COORDINATION AND SUSTAINABLE DEVELOPMENT

7. Mr. DESAI (Under-Secretary-General for Policy Coordination and Sustainable Development) pointed out that with the end of the cold war and changing perceptions of relationships between nations, international cooperation to improve the human condition and stem the tide of violence and hatred had never been so necessary or so potentially useful, especially in the economic and social spheres. The efforts to achieve peace and security, economic and social progress, protection of human rights and democracy must proceed on a parallel course if development was to succeed in the long term. The World Conference on Human Rights had recognized that the right to development was a fundamental human right, and that the international community bore responsibility for ensuring its enjoyment. It was that principle that underlay the idea of integration and policy coordination in the deliberations of the Second and Third Committees, and within the Secretariat. The concept of sustainable development encompassed observance of fundamental human rights as well as social development, with particular emphasis on issues of gender. It connoted equity within and between generations and social justice. Hence it was closely linked with the responsibilities of States and full and free participation by peoples in political life through democratization.

8. In order to ensure an integrated development of policy, the Department of Policy Coordination and Sustainable Development had incorporated the Division for the Advancement of Women, the Division for Social Policy and Development and would be working closely with the Secretariat units dealing with refugees, drug control and crime prevention.

(Mr. Desai)

9. The World Summit for Social Development would be the essential preoccupation of the Third Committee. The social perspective had often been neglected in the development debate, and it was the task of the Summit to redress that imbalance. Profound political, cultural and economic changes had been brought about by new technologies in the patterns of the production, consumption and distribution of goods and the greater awareness caused by the communications revolution had created a crisis in expectations in many societies. At the same time, social relations had failed to adapt to those economic and political transformations, and deprivation and marginalization were limiting the potential for growth and prosperity.

10. Poverty and lack of employment in an interdependent world was intimately linked with refugees, migration and environmental degradation and a spur to political unrest. They were central social issues that would be dealt with at the World Summit for Social Development. The World Summit would also deal with the impact of ageing populations, the participation of youth, the stabilization of the family and the enhancement of the potential of people with disabilities. Thus, it would take a people-centred view of development.

ORGANIZATION OF WORK

11. The CHAIRMAN drew attention to the recommendations and proposals on the organization of the session (A/48/250) and recalled the statement made by the Secretary-General with regard to the current financial situation, and the introduction of cost-producing measures that would affect conference services.

12. On questions related to the programme budget, he drew attention to rule 153 of the rules of procedure, stating that no resolution involving expenditures should be recommended by a Committee for approval by the General Assembly unless it was accompanied by an estimate of expenditures prepared by the Secretary-General. He also reminded the Committee that the General Assembly had decided to recess its forty-eighth session not later than Tuesday, 21 December 1993 and close on Monday, 19 September 1994.

13. He announced that the meeting would be suspended to enable the Committee to meet informally in order to consider the programme of work.

14. The meeting was suspended at 10.50 a.m. and resumed at 11.40 a.m.

15. The CHAIRMAN said that the suggested time-table in document A/C.3/48/L.1/Add.1 should be respected in so far as possible. In the interest of rationalizing the work of the Committee resolutions involving lengthy negotiations should be drafted by the main sponsors as early as possible, and speakers should place their names on the list early. He proposed that all delegations endeavour to limit their interventions on each item to 15 minutes and to provide the conference officer with 15 copies of any to be distributed to interpreters, precis-writers and DPI staff. He reminded the Committee that in accordance with General Assembly resolution 47/99 of 16 December 1992, paragraph 1, the item on international drug control would be discussed in plenary meetings on 26 and 27 October. If he heard no objections, he would take

(The Chairman)

it that the Committee agreed to dispense with the general discussion on that item, and confine itself to submitting and acting upon draft proposals.

16. It was so agreed.

17. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to devote the meetings of 2 and 3 November to the general discussion of sub-item (e) of item 108.

18. It was so agreed.

19. The CHAIRMAN said that, if he heard no objection, the meeting of 23 November would be allocated for general discussion on items 114 (b), (c) and 115.

20. It was so agreed.

21. The CHAIRMAN said that he took it that the Committee approved the programme of work for the session contained in document A/C.3/48/L.1 as revised during the informal meeting.

22. It was so decided.

23. The CHAIRMAN said that he also took it that the Committee wished to extend invitations to various special rapporteurs/representatives to present their reports to the Third Committee at the current session.

24. It was so decided.

The meeting rose at 11.50 a.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
3rd meeting
held on
Monday, 11 October 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. KUKAN (Slovakia)

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AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION*

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION*

* Items considered together.

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Distr. GENERAL
A/C.3/48/SR.3
21 October 1993

ORIGINAL: ENGLISH

The meeting was called to order at 10.10 a.m.

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION AND RIGHT OF PEOPLES TO SELF-DETERMINATION

1. Mr. FALL (Assistant Secretary-General for Human Rights) said that racism and racial discrimination continued to represent major obstacles to ensuring respect for human rights and maintaining peace. It was therefore fitting that the World Conference on Human Rights, recently concluded in Vienna, had again established the elimination of racism and racial discrimination as a primary objective for the international community, and had called for a worldwide promotion programme in the field of human rights. The Vienna Declaration and Programme of Action, adopted by the Conference, urged United Nations organs and agencies to strengthen their efforts to implement such a programme, and appealed to the international community to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination. It also urged Governments to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance, where necessary by enactment of appropriate legislation. It applauded the decision of the Commission on Human Rights to appoint a Special Rapporteur to deal with those matters, and called on all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to make the declaration called for under article 14.

2. He drew the attention of the Committee to the draft programme of action, prepared by the Secretary-General, for the third decade to combat racism and racial discrimination, the purpose of which was to provide a focus for international and national activities against racism and to carry on the work of the First and Second Decades. The draft programme incorporated the Vienna Declaration and Programme of Action, earlier suggestions formulated by the Secretary-General, views expressed during the forty-seventh session of the General Assembly and the recommendations of other policy-making bodies and non-governmental organizations concerned with racial discrimination.

3. He also drew attention to the model legislation against racism and racial discrimination that had been prepared by the Secretariat, and to the report of the meeting of representatives of national institutions and organizations that had recently been held in Sydney, Australia. He hoped that those combined elements would go into the development of a programme that would focus on reducing and eliminating discrimination through specific national and international action, with quantifiable results.

4. The International Convention on the Elimination of All Forms of Racial Discrimination, to which 137 States parties had now acceded, was, in his view, one of the most effective tools for combating all forms of racial discrimination. The importance of that Convention, and of the Committee on the Elimination of Racial Discrimination (CERD) that monitored its implementation, had been highlighted by the worldwide trend towards racial and ethnic violence, and the severe strain it placed on internal stability and the maintenance of peaceful relations among States.

5. During 1993, CERD had considered reports from 24 States parties and adopted concluding observations on each. He was pleased to note that several States

that had fallen behind in their reporting had recently submitted reports or had expressed their intention to do so. The Committee had also adopted seven general recommendations, dealing with, inter alia, non-citizens, the training of law enforcement officials and the establishment of national commissions on human rights. It had discussed early warning measures and urgent procedures aimed at preventing violations of the Convention. It had also adopted new guidelines for both prevention and response to human rights violations within the scope of the Convention. Under those new guidelines, it had replied to two urgent requests from successor Governments of the former Yugoslavia for help in resolving minority tensions by offering assistance intended to promote a dialogue for peaceful conflict resolution and advisory services in the area of minority legislation. Those constructive initiatives demonstrated ways in which the treaty system could be instrumental in conflict prevention and enforcement of human rights standards.

6. In pursuance of General Assembly resolution 47/111 of 17 December 1992, the Secretary-General had taken the necessary measures to provide for the financing of the Committee from the regular budget of the United Nations for the biennium 1994-1995, placing the work of the Committee on a more secure financial basis and thereby ensuring that the Committee could hold its meetings as scheduled. He reminded States parties to the Convention that they should notify the Secretary-General, as depositary, of their acceptance of the two amendments to the Convention dealing with financial matters that were adopted by States parties in 1992 and endorsed by the General Assembly at its forty-seventh session.

7. Since the consideration of its status, at the forty-seventh session of the General Assembly, an additional six States had adhered to the International Convention on the Suppression and Punishment on the Crime of Apartheid: Armenia, Bosnia and Herzegovina, Croatia, Czech Republic, Moldova and Slovakia, bringing the total number of States parties to 98. At its fifteenth session, the Group of Three joined with the Economic and Social Council in inviting Governments, entrepreneurs and enterprises, including transnational corporations to give their full support to the critical political process under way in South Africa with a view to achieving total eradication of the apartheid system and to establishing a united non-racial and democratic South Africa.

8. In its consideration of the agenda item on self-determination, the Committee should bear in mind the recommendations of the World Conference on Human Rights. The Conference had declared that it recognized the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination, and that the denial of that right was a violation of fundamental human rights. It also stated that the right to self-determination should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples.

9. Mr. BROUHNS (Belgium), speaking on behalf of the European Community, said that the Community was committed to the elimination of all forms of racial discrimination and to adopting all necessary measures to combat racial

(Mr. Brouhns, Belgium)

prejudice. The deterioration of the economic and social situation in Europe provided fertile ground for the spread of racist tendencies. All countries were obligated, as a priority, to identify such problems and take decisive action to prevent the growth of racism and xenophobia in their territory. Accordingly, the member States of the European Community had recently taken measures to strengthen their cooperation in that field to combat the resurgence of racism.

10. The tragic situation in the former Yugoslavia had aroused the indignation of the entire international community. The odious practice of ethnic cleansing must be condemned and categorically rejected. The situation of women and children, particularly Muslims, was extremely tragic and should be given very close attention. He supported the untiring efforts of the Special Rapporteur of the Commission on Human Rights, Mr. Mazowiecki, to illuminate the grim realities of that situation.

11. The Community was monitoring the situation throughout the territory of the former Yugoslavia and supported all efforts undertaken within the framework of the International Conference on the Former Yugoslavia and the Conference on Security and Cooperation in Europe (CSCE). Its member States also supported the steps taken by the Security Council and various other United Nations bodies, including the Office of the United Nations High Commissioner for Refugees, to alleviate the suffering and safeguard the human rights of the victims, and put a stop to ethnic cleansing. He welcomed the creation of the Commission of Experts established pursuant to Security Council resolution 780 (1992) to consider violations of humanitarian law in the former Yugoslavia and the establishment of the International Tribunal under Security Council resolution 827 (1993). The European Community, which had also contributed to the humanitarian efforts in the former Yugoslavia, reaffirmed its support for the work of the two Co-Chairmen of the International Conference who were seeking a diplomatic solution to the conflict in Bosnia and Herzegovina and was committed to promoting its implementation.

12. The Community was watching the development of the situation in South Africa. Important decisions had been taken to dismantle apartheid and lay the foundation for a united, non-racial and democratic society. The European Community member States continued to support all efforts to promote the transition process and reaffirmed their commitment to contributing to the economic and social development of the new South Africa. They had accordingly decided to lift certain sanctions and to promote the normalization of relations between the Bank, IMF and other financial institutions and South Africa. The Community remained extremely concerned at the repeated outbursts of violence in that country and urged all South African political forces to participate in the transition process and put an end to the violence. It was hoped that at the current session the General Assembly would adopt resolutions reflecting the new situation in South Africa.

13. The role of the United Nations in combating racism and racial discrimination had been further strengthened by the recent appointments of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. The Community was determined to give him its full support and urged all countries to do likewise. Close contact between the Special Rapporteur and the bodies dealing with such questions, particularly

(Mr. Brouhns, Belgium)

the Committee on the Elimination of Racial Discrimination (CERD), was necessary in order to enhance their effectiveness and cooperation. In that connection, he urged the States parties that had not done so to endorse the new financial arrangements for CERD in order to enable it to carry out its work more effectively. The resources made available to the Centre for Human Rights should also be substantially increased. The Community supported the proclamation at the current session of the General Assembly of a third decade to combat racism and racial discrimination and stressed that it should be characterized by a pragmatic approach and concrete action.

14. The full exercise of human rights was inseparably linked to the implementation of the right of peoples to self-determination. All citizens must have the right and opportunity to take part in the administration of public affairs, either directly or through freely elected representatives. The periodic holding of free and honest elections on the basis of universal suffrage was essential for the exercise of the right of peoples to self-determination. The Community recognized that right and intended to promote universal and peaceful implementation. In that connection, he welcomed the efforts by the Organization to provide electoral assistance to countries that were committed to democracy. It was the task of Governments to adapt, where necessary, political and administrative structures in order to enable all groups to participate fully in the exercise of national sovereignty.

15. Peoples had the right to change their government, if they so desired, without being subjected to the threat of armed intervention, a coup d'état, or a declaration of a state of emergency. The Community was concerned about the numerous situations throughout the world in which peoples were deprived of that right. In that connection, he drew attention to the failure to respect the elections held in Myanmar in 1990. While it was encouraged by the prospects for the restoration of democracy in Haiti, the Community feared that the recent acts of violence might undermine the democratization process in that country. In Angola, the refusal of UNITA to accept the results of the 1992 democratic elections had led to a resumption in fighting. Disturbing developments had taken placed in Nigeria, particularly the decision by the Government to annul the presidential elections held in June 1993. A speedy return to a civilian and democratic government was necessary in that country. With regard to Western Sahara, the Community reaffirmed its support for the United Nations settlement plan and urged the parties concerned to cooperate with the Secretary-General in its implementation. It was hoped that the Afghan people would be able to find peace and democracy through an overall political solution based on the free exercise of their right to self-determination, including the holding of free and honest elections, the halting of hostilities and the return of the refugees to their homes. Negotiations must aim to reach the consensus necessary to achieve those objectives and establish conditions for economic and social reconstruction.

16. The Community welcomed the successful holding of free and honest elections in Cambodia and the referendum in Eritrea, which had demonstrated the desire of the people of those countries to live in peace. The Israeli-Palestinian Agreement, concluded within the framework of the peace process in the Middle East, represented a unique opportunity for peace in the region. The European Community was determined to continue to play an active, constructive and

(Mr. Brouhns, Belgium)

balanced role in that process in order to bring about a just and lasting settlement of the entire Israeli-Arab conflict and the question of Palestine, on the basis of Security Council resolutions 242 (1967) and 338 (1973). It was for the parties to the conflict to determine the conditions for a settlement; in order to be effective, it must be freely negotiated and accepted by common agreement.

17. The Community was prepared to participate in international arrangements to implement the Israeli-Palestinian Agreement and was giving very serious consideration to providing substantial funds in grants and loans over the next five years for the development of the occupied territories. He hoped that progress would be made within the framework of other bilateral and multilateral negotiations on future cooperation among the States in the region and that, by consensus, the General Assembly could adopt resolutions reflecting that historic step in the peace process in the Middle East.

18. Mr. MARRERO (United States of America) said that his country had advanced the cause of protecting the right of individuals and groups to elect their own governments by democratic means and had an equally strong commitment to ending all forms of racism and racial discrimination. It was unfortunate that in the past few years, the Committee had become a vehicle for the adoption of resolutions that failed to reflect changes occurring in the real world and tended to attribute blame unfairly. The time had come to take note of the fact that the situation in the Middle East was changing rapidly. The agreement by the Israeli Government and the Palestine Liberation Organization to recognize each other's right to exist represented a dramatic end to decades of stalemate. It was time to adopt realistic resolutions on the Middle East that encouraged the parties in their efforts to reach comprehensive solutions. That was the only way to ensure that the delicate negotiating process under way between the Israelis and Palestinians would become a model for the region, encouraging other nations to seek peaceful solutions to age-old conflicts.

19. South Africa was emerging from the devastation of apartheid and witnessing the dawn of an extraordinary new era. The negotiating parties had already taken steps to ensure that country's democratic future. Once the negotiators reached agreement on a transitional constitution and the transitional executive council was established, the exclusive political domination of South Africa by the white minority would end. Although there undoubtedly would be setbacks on the road to tolerance, those should be seen as obstacles to be overcome, rather than permanent roadblocks.

20. His Government believed that the transition in South Africa was irreversible. The steps already taken by the South African Government and the various parties involved had set the stage for a non-racial democracy. Accordingly, the Committee should recognize those extraordinary changes and adopt a resolution commending those efforts and providing signposts for future progress. The United States had continued to promote self-determination and oppose racism and its new Administration had made the promotion of democracy and the protection of human rights a cornerstone of its foreign policy.

The meeting rose at 11.15 a.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
4th meeting
held on
Tuesday, 12 October 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. KUKAN (Slovakia)

CONTENTS

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

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Distr. GENERAL
A/C.3/48/SR.4
5 November 1993
ENGLISH
ORIGINAL: SPANISH

93-81517 (E)

The meeting was called to order at 3.30 p.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, A/48/76-S/25320, A/48/81, A/48/118, A/48/291-S/26242, A/48/423, A/48/438 and A/48/439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/48/94, A/48/207, A/48/211, A/48/307, A/48/330, A/48/357, A/48/384 and A/48/385)

1. Mr. SUCHARIPA (Austria) said that the international community had been combating the system of apartheid in South Africa for many years. Now that the birth of a democratic, united, non-racial South Africa was in sight, it needed to give full support to the transition process so that all South Africans, without discrimination, would be able to elect a government of their choice. Unfortunately, that process was threatened by political violence, which had claimed over 1,000 lives in July and August 1993, and there were still political prisoners in South Africa. He hoped that the multi-party national peace-keeping force created by the Transitional Executive Council would be able to stem that violence. It was necessary for the United Nations to prepare for its involvement in the elections and to provide all necessary technical assistance. The United Nations Observer Mission in South Africa would have an important role to play in that context.

2. Elsewhere in the world, there were other manifestations of racial hatred such as the so-called "ethnic cleansing" in the former Yugoslavia. Austria had always strongly condemned that criminal practice and would continue to condemn it, no matter where it took place and who the perpetrators or the victims were. It welcomed the establishment of an International Tribunal to prosecute those responsible for war crimes and violations of international humanitarian law in the former Yugoslavia, and it hoped that the Tribunal would soon be able to bring them to justice.

3. In a number of European countries, growing migration flows were awakening nationalistic and even xenophobic sentiments, and it was of the utmost importance that particular attention should be paid to that phenomenon. Meeting in Vienna, the heads of State and Government of the States members of the Council of Europe had adopted a declaration and plan of action on combating racism, xenophobia, anti-Semitism and intolerance. At the national level, Austria had recently passed legislation against neo-Nazi activities.

4. One of the most important chapters of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights dealt with action for equality and dignity and against racism and racial discrimination. The international community needed to work together to make sure that the Vienna document resulted in concrete action.

5. The right of peoples to self-determination was undoubtedly one of the fundamental principles of international law. It had been the basis not only for the process of decolonization, but also for the fundamental changes that had

(Mr. Sucharipa, Austria)

occurred in Central and Eastern Europe and other parts of the world. It entailed the right of all peoples freely to determine their political destiny and pursue their economic, social and cultural development. There was broad agreement that the right to self-determination did not automatically entail the right to statehood or secession. As the Secretary-General had pointed out in "An agenda for peace", if every ethnic, religious or linguistic group claimed statehood, achieving peace, security and economic well-being for all would become ever more difficult. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations clearly stated that the right to self-determination could be exercised in different forms, ranging from the establishment of statehood to the adoption of any other political status freely determined by the people in question. The case of South Tyrol offered an excellent example of the implementation of that principle.

6. Enjoyment of the right to self-determination required, first and foremost, the existence in the country of an internal order that allowed universal participation without distinction in the political decision-making process. Furthermore, recognition of the rights of minorities at the national and international level could constitute a valuable instrument of preventive diplomacy, since it could in many cases prevent the fragmentation of States. For that reason, the summit meeting of the States members of the Council of Europe had laid particular stress on the recognition and adequate protection of the rights of minorities.

7. Democracy, political freedom and the holding of periodic elections were essential elements of the right to self-determination, and the United Nations and other international organizations could play an important role in assisting and securing those elements. In that connection, mention should be made of the elections in Cambodia and the referendum in Eritrea which had led to its independence.

8. Austria had repeatedly stressed that, to achieve peace in the Middle East, a satisfactory solution would have to be found for the problem of the Palestinian people. The recent Israeli-Palestinian agreement was a breakthrough and laid the groundwork for a peaceful settlement in the region.

9. The right to self-determination was complex because it could be exercised in very different ways. The initiative of Liechtenstein was very timely because, by highlighting autonomy and minority rights, it would help to increase understanding of the many facets of the right to self-determination. It was important that all claims to that right should be settled peacefully. The Committee should observe all developments carefully and draw realistic conclusions with a view to putting forward proposals which took into account both political realities and the legitimate aspirations of peoples to enjoy their full rights.

10. Mr. MARKER (Pakistan) said that the United Nations had played a key role in ending colonialism as well as in combating racism and racial discrimination and the abhorrent practice of apartheid. In that connection, Pakistan fully supported the multi-party negotiating process in South Africa and the agreement

(Mr. Marker, Pakistan)

for the establishment of a Transitional Executive Council. It hoped that the political violence in South Africa would end and that elections would be held as planned so that the people of South Africa could freely elect a government of their choice. The United Nations could take pride in having played a major role in the transformation of South Africa.

11. While the impending transition to a non-racial, democratic South Africa was a welcome development, racism and racial discrimination had unfortunately gained momentum elsewhere in the world, specifically in the former Yugoslavia and parts of Transcaucasia. The unprovoked Serbian aggression against the defenceless people of the Republic of Bosnia and Herzegovina and the abhorrent campaign of "ethnic cleansing" and genocide were the worst form of racism. Serbian aggressors had committed crimes against humanity, forced millions to flee their homes and raped thousands of Bosnian women, mostly Muslims. In spite of the solemn commitments and affirmations contained in the relevant resolutions of the General Assembly and Security Council, the international community had failed to rescue that defenceless people, and the perpetrators continued to be aided and abetted by their neighbours. In that context, mention should be made of the decision of the International Court of Justice on 13 September 1993 ordering the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately to take all measures within its power to prevent the commission of the crime of genocide. The international community must demonstrate its firm resolve to defend the norms of law, justice and morality in the Republic of Bosnia and Herzegovina. For that reason, it was imperative for the International Tribunal established by Security Council resolution 827 (1993) for the prosecution and punishment of persons responsible for serious violations of international humanitarian law in the former Yugoslavia to become operational without further delay.

12. It was also a matter of concern that even in the civilized countries of Western Europe ethnic and racial intolerance was increasing, especially against migrant workers and refugees. His country was gratified that the World Conference on Human Rights held in Vienna earlier in 1993 had devoted a significant portion of its Declaration and Programme of Action to the problem of racism, racial discrimination, xenophobia and other forms of intolerance. The Conference had stressed that the United Nations organs and agencies should strengthen their efforts to implement that Programme of Action in the context of the third decade to combat racism and racial discrimination and other mandates to the same end. The world community should also turn its attention to other racist practices that were more endemic and less obvious in a number of countries and societies which were divided into castes based on birth, since that form of discrimination was tantamount to multiform apartheid.

13. Pakistan had demonstrated a consistent and vigorous commitment to combating racism and was one of the first States to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination and one of the initiators of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

(Mr. Marker, Pakistan)

14. His delegation commended the valuable work done by the Committee on the Elimination of Racial Discrimination, in particular its attempts to eliminate apartheid and all forms of discrimination wherever they existed. There was a need to accord wider publicity to the Committee's work, to strengthen its functions by all possible means and to enable it to examine the problem of racism and racial discrimination, especially its contemporary manifestations, in all signatory States of the Convention on the Elimination of Racial Discrimination. It was unfortunate that the Committee continued to be confronted by a critical financial situation. His delegation appealed to all States parties to pay their contributions on a regular basis.

15. Mrs. KABA CAMARA (Côte d'Ivoire) said that the last decade of the twentieth century had been marked by an acceleration of events, both fortunate and unfortunate: on the one hand, the resurgence of ethnic and religious conflicts in the name of the right of peoples to self-determination, which had given rise to fratricidal wars in Europe and, on the other hand, the positive developments in South Africa and the Middle East.

16. Since the adoption by the General Assembly in December 1989 of the Declaration on Apartheid and its Destructive Consequences in Southern Africa, South Africa had been moving ineluctably towards democracy, a trend made manifest by the abolition of the laws on apartheid, the release of political prisoners and the initiation of dialogue between the authorities and the leaders of the black majority. The United Nations had played a decisive role in that process by sending observers to South Africa and through its participation in the work of the Convention for a Democratic South Africa (CODESA).

17. Her country welcomed the joint declaration on the creation of the Transitional Executive Council, under which the black population would participate for the first time in the organization of free and democratic elections, scheduled for 27 April 1994. It called on all democratic forces to put an end to the violence so as to pave the way for free and fair elections. The United Nations, for its part, should facilitate the preparation of the electoral process in every way possible.

18. The positive developments in South Africa and the Middle East where, by signing a peace accord in Washington, D.C. on 13 September, Palestinians and Israelis had at last decided in favour of peaceful coexistence, represented a prime example of the fruits of dialogue, which her country had always advocated, and which required political will and the courage of political leaders to end the suffering of their peoples.

19. Her delegation welcomed the decision of the Commission on Human Rights to appoint a special rapporteur to examine the question of contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance whose recommendations would open the way to combating new forms of racism.

20. She believed that the methods for the prevention of violations of human rights and the establishment of an early warning system, which formed part of the Secretary-General's recommendations in "An Agenda for Peace" could be effective in preventing conflicts. Nevertheless, certain unresolved questions

(Mrs. Kaba Camara, Côte d'Ivoire)

must be clarified, for example, whether the initiative should be taken by the Commission on Human Rights, the Security Council or Member States; whether the consent of the State was necessary, as in the case of electoral assistance; and whether it might be necessary to consider the possibility of constituting a permanent force which would be prepared to intervene at any time in the event of a violation of human rights.

21. With a view to encouraging all delegations to participate in an open debate leading to a consensus, her delegation supported the proposal to establish a committee of the General Assembly, which would have available to it the entire range of Secretariat services, in particular, interpretation services, and which would consider each recommendation of the World Conference on Human Rights, including the establishment of a United Nations high commissioner for human rights. In the field of human rights more than in any other, consensus was needed to adopt important decisions uniting all Member States and was essential for success in fighting racism in all its forms.

22. Mr. COLOMA (Chile) said that his country fully supported United Nations efforts to combat racism and racial discrimination since the only way to maintain social stability and peace was by enforcing legal standards guaranteeing the enjoyment of human rights without distinction on the basis of race, sex or religion.

23. Nevertheless, despite the measures taken by the United Nations and a large number of States, one of the most shameful social phenomena of recent times continued to be the persistence of racial discrimination in many parts of the world and - even more disturbing - the emergence of new manifestations of racism, discrimination, intolerance and xenophobia, against minorities, ethnic groups, migrant workers and refugees. Furthermore, it was disquieting to find that in an international system designed to consolidate democracy and the principles of freedom and social development, racism persisted, fundamentally because of socio-economic and political factors.

24. All those facts pointed to the necessity of proclaiming a third decade to combat racism and racial discrimination. Yet, if the necessary resources were not available, that decade would prove fruitless, as could be seen in the hardly encouraging current status of the Trust Fund for the Programme of Action for the Decade to Combat Racism and Racial Discrimination, despite repeated calls by the Economic and Social Council, the General Assembly and the Secretary-General for voluntary contributions.

25. Furthermore, the use of education to prevent racism must become a political priority. Unless issues concerning human rights, racism and discrimination were included in school and university curricula in every country, there would be no way to stop the generational transmission of that evil behaviour. Similarly, as a complement to prevention, there must be acceptance of the principle of non-discrimination as a mandatory norm of public international law, having the force of jus cogens established in international practice, especially to deal with cases of de facto discrimination.

(Mr. Coloma, Chile)

26. His delegation considered that the multiracial Transitional Executive Council established in South Africa to prepare for the democratic elections to be held in 1994 represented the hope for peace and freedom of the people of South Africa and he welcomed any changes which would bring about a democratic and non-racist South Africa.

The meeting rose at 4.10 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
5th meeting
held on
Thursday, 14 October 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. KUKAN (Slovakia)

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AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)*

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)*

* Items considered together.

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Distr. GENERAL
A/C.3/48/SR.5
29 October 1993

ORIGINAL: ENGLISH

93-81577 (E)

The meeting was called to order at 10.35 a.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, 76, 81, 118, 291, 423, 438, 439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/48/94, 207, 211, 307, 330, 357, 384, 385)

1. Mr. KÄÄRIÄ (Finland), speaking on behalf of the five Nordic countries, congratulated the parties in South Africa on the successful steps they had taken towards democracy and the elimination of apartheid. While the struggle of the people in South Africa had been essential in the dismantling of apartheid, the implementation by the international community of United Nations sanctions had contributed substantially to the process of establishing a non-racial South Africa.

2. The reports of the Special Rapporteurs to the Committee on the Elimination of Racial Discrimination (CERD), describing continued grave violations of human rights and the deteriorating situation in the former Yugoslavia, stressed the importance of joint international action to combat such violations. The Nordic countries welcomed the establishment of an international tribunal as a way to bring perpetrators of war crimes to justice.

3. In many parts of the world, including Europe, racial or ethnic intolerance was directly responsible for floods of refugees and other migratory movements which had triggered a resurgence of xenophobia and intolerance towards foreigners and immigrants and was creating conflict in many receiving countries. The Nordic countries welcomed the appointment of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and urged him to work in close cooperation with CERD. The dialogue between Member States and the Committee and reporting procedures should play an important role as a preventive mechanism in sensitizing Governments and peoples to the dangers of such intolerance. The Nordic countries supported the recommendation to establish national institutions to serve as an effective channel for the dissemination of information at the national level in implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. They also supported the amendment calling for the regularization of the financing of CERD.

4. The draft programme of action for the third decade to combat racism and racial discrimination, recommended by the Commission on Human Rights, should take into account new developments and manifestations of racism. The Committee on the Elimination of Racial Discrimination and the Subcommission on the Prevention of Discrimination and Protection of Minorities should play key roles in the implementation of the programme. The World Conference on Human Rights, held in Vienna from 10 to 12 June 1993, at which Governments and NGOs reaffirmed their willingness to work actively against racism was a source of encouragement. The Nordic countries called on all Member States to implement the Vienna Declaration and Programme of Action.

5. Mr. SAHRAOUI (Algeria) said that in Europe and other parts of the world the resurgence of xenophobic violence and hatred had reached alarming proportions. Various social groups, including migrant workers, refugees, asylum seekers, ethnic and religious minorities and indigenous populations had all been targets of racism and racial discrimination. His delegation strongly supported the recent appointment by the Commission on Human Rights of a Special Rapporteur on contemporary forms of racism and its resolution 1993/11 calling upon all Governments to adopt the necessary measures to fight against new forms of racism by urgently applying administrative, civil and penal sanctions against the perpetrators of racist crimes. Unless stringent measures were taken, the organizations and individuals inciting to xenophobic violence and hatred would continue to operate with impunity, increasing the number of victims.

6. Certain activities had not been completed during the Second Decade to Combat Racism and Racial Discrimination owing to a lack of financial resources. Although the problem had partially been solved by the Committee for the Elimination of Racial Discrimination (CERD) by drawing on resources from the regular budget of the United Nations, the remaining coordinating activities would continue to suffer from the same lack of funds, an aspect which should be taken into consideration when future programme budgets were discussed.

7. His delegation welcomed international action within the framework of the third decade that included an attack on new manifestations of racism, intolerance and xenophobia. The various seminars planned on those topics constituted a promising platform for dissemination of information and an exchange of views. His delegation further supported a study of the economic factors that helped to perpetuate racism and racial discrimination and the suggestion that the Secretary-General present an annual report on the global situation with regard to racism and racial discrimination, xenophobia and ethnic intolerance, based on precise information regarding activities to combat racism, as it would facilitate coordination and evaluation activities.

8. The democratic transition in South Africa remained fragile. The South African Government, in close collaboration with the organizations that represented the majority of the South African people, had to exercise its full responsibilities as a Government to put an end to the violence and terrorism used by forces opposed to a united, non-racial and democratic South Africa. In that connection, his delegation wholeheartedly supported the specific measures provided in the draft programme of action for the third decade aimed at bringing about a peaceful transition and the complete elimination of apartheid in South Africa.

9. As had recently been reaffirmed at the World Conference on Human Rights in Vienna, colonial domination or other forms of foreign occupation constituted a violation of the right of peoples to self-determination and was tantamount to a violation of fundamental human rights. His country welcomed the recent agreement between the PLO and Israel and sincerely hoped it would be the first stage in a comprehensive settlement of the Middle East conflict. It was the responsibility of the international community to continue to be fully committed to bringing about peace in that part of the world.

10. While some regional conflicts appeared to be close to a lasting settlement, others unfortunately, such as the conflict in Western Sahara, were not. His

(Mr. Sahraoui, Algeria)

delegation hoped that renewed dialogue between the parties involved in that conflict and the holding of a free referendum under the best possible conditions of impartiality would make it possible for the people of the Western Sahara to exercise its inalienable right to self-determination and would create the foundation for stability in the region.

11. Mr. OGOURTSOV (Belarus) said that in his country there were virtually no radical or extremist groups seeking to spread ideas based on racial superiority or intolerance. Belarus would continue to do everything to maintain that unique balance based on religious and ethnic tolerance, which ensured stability and lasting democratic reforms. He noted with satisfaction that the Committee on the Elimination of Racial Discrimination was prepared to broaden its sphere of activities in order to keep abreast with the times. It was also gratifying to note that the report of the Secretary-General on the draft programme of action for the third decade to combat racism and racial discrimination (1993-2003) in document A/48/423 indicated that it would be adapted to the changes that had occurred recently. He hoped that the current session of the General Assembly would be marked by constructive cooperation aimed at making use of the unprecedented opportunities that had arisen for solving long-standing world problems.

12. Mr. FERNANDEZ-PALACIOS (Cuba) said that, while apartheid was crumbling in South Africa, racial discrimination was experiencing a resurgence in other parts of the world in the form of xenophobic violence, ultra-right political agitation and neo-nazism, and claimed among its victims migrant workers and their families, minority groups and refugees. In light of this phenomenon, his delegation strongly supported the launching of the third decade against racism and racial discrimination, and praised the recent decision of the Commission on Human Rights to appoint a Special Rapporteur to deal with contemporary forms of racism.

13. On the other hand, notwithstanding their legal validity, certain fundamental principles clearly established in General Assembly resolutions, among them, resolution 1514 (XV) and resolution 2625 (XXV), concerning the exercise of national sovereignty and the right to self-determination without outside interference, were jeopardized by such ideas as "limited sovereignty" and "the right to intervene", which clearly contravened international law. In the view of Cuba, the most pressing task before the Organization was the defence of the principles of the Charter, and in particular, the right of self-determination of peoples.

14. The colonial status of the neighbouring island of Puerto Rico was, for example, a subject of profound concern. Cuba demanded that Puerto Rico should be permitted to take its place among the free nations of the hemisphere. His delegation also continued to protect the illegal occupation of Guantánamo by the United States against the express wishes of the Cuban people and their Government.

15. His delegation was encouraged, on the other hand, by the signing of the Declaration of Principles between Israel and the Palestine Liberation Organization, which bode well for the establishment of a lasting peace in the

(Mr. Fernandez-Palacios, Cuba)

Middle East. Finally, Cuba welcomed the valuable contributions of the Special Rapporteur regarding the use of mercenaries.

16. Ms. JAHAN (Bangladesh) said that the people of Bangladesh joined the world in expressing their solidarity with the people of South Africa in the transition to a united, non-racial and democratic society. Although institutionalized racism would, it was to be hoped, be relegated to history, the memory of its horrors should prevent a repetition. She also applauded the landmark signing of the Declaration of Principles between the Palestine Liberation Organization and Israel.

17. Unfortunately, however, the broad picture was not as encouraging. There had been a resurgence of racism in the form of xenophobia and ultra-nationalism, which manifested itself in racially motivated attacks against ethnic minorities and immigrant populations. The atrocities perpetrated by Serbian forces on innocent men, women and children in Bosnia and Herzegovina, and in particular on Muslims, had surpassed the worst instances of genocide in history. The architects of ethnic cleansing had not been punished; they had instead found their place at the negotiating table. The ethnic cleansing in Bosnia and Herzegovina, which would also qualify as "religious cleansing", must not be permitted to take root as another form of institutionalized racism. The international community must lift the arms embargo, restoring to the Bosnian Muslims their fundamental right to self-defence.

18. The United Nations must act as a catalyst to bring about progressive transformations on the world scene, and as a deterrent to forces inimical to those changes. South Africa would need United Nations assistance in the process of healing and reconstruction: social and economic opportunities must be provided to overcome the cumulative deprivation of the black majority; efforts must also be made to inculcate the principles of racial tolerance and peaceful coexistence in the peoples of that country. Palestine too would require various kinds of support during its transition to full political participation.

19. Her delegation welcomed the decision of the Commission on Human Rights to appoint a Special Rapporteur to deal with contemporary forms of racism. While global compilation of national legislation against racism and the development of a model legislative text were significant advances, racism could not be uprooted by legislation alone. The draft programme for the third decade against racism rightly focused on education and the dissemination of information as the means to rid the human mind of racial prejudice.

20. Mr. JIN Yongjian (China) said that racism, racial discrimination and the apartheid system were all serious violations of fundamental human rights. Recent instances in several developed countries of xenophobia, discrimination against aliens and neo-nazism were cause for grave concern and should be accorded top priority on the agenda of the United Nations. The Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, had rightly proclaimed that the elimination of all forms of racism must be a priority task for the international community. China supported the Secretary-General's draft programme of action for a third decade against racism and racial discrimination and called on the United Nations to allocate adequate funding for that crucial project.

(Mr. Jin Yongjian, China)

21. Recent developments suggested that South Africa would soon be a unified, democratic and non-racial State. In the view of China, only the persistence of the international community had made that victory possible. The Chinese Government was dedicated to combating racism and racial discrimination in all its forms.

22. Mrs. Da SILVA-SUNIAGA (Venezuela), speaking also on behalf of Colombia and Mexico, expressed the hope that, in spite of the increased political violence in South Africa, the agreements reached would lead to the speedy establishment of a democratic government with guarantees for the rights of the entire population. The call by Nelson Mandela, the President of the African National Congress, for the lifting of the economic sanctions imposed against South Africa should be heeded.

23. The draft programme of action for the third decade to combat racism and racial discrimination should, as stated in paragraph 19 of the Vienna Declaration, encourage United Nations organs and agencies to strengthen their efforts to implement the programme of action.

24. Much remained to be done to eliminate discrimination, racism, intolerance and xenophobia, and international cooperation was essential. The programme of action for the third decade should take account of new developments and its title should be "Decade to combat racism, racial discrimination and ethnic intolerance". The draft programme was in keeping with the desired objectives to be achieved through decisive and responsible action by Governments and intensified efforts by United Nations bodies.

25. She noted with satisfaction that the Committee on the Elimination of Racial Discrimination sought to adapt itself to the new realities in the world. It was also gratifying to note the decision by the Commission on Human Rights to appoint a Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance and it was to be hoped that his work would help to eliminate those practices. Colombia, Mexico and Venezuela reiterated their condemnation of mass violations of human rights, including ethnic cleansing, which was unacceptable and must be condemned. Lastly, she reaffirmed the commitment of those countries to the principle of self-determination of peoples, as laid down in General Assembly resolution 1514 (XV), and their support for the efforts of the Organization to promote the exercise of the right to self-determination of peoples throughout the world.

26. Mr. BAHADIAN (Brazil) said that in spite of the encouraging changes in South Africa, the world community must continue to monitor the situation there closely in order to ensure the establishment of a truly multiracial democracy. Brazil, which took great pride in the multiracial composition of its population, abhorred all forms of discrimination on the basis of race, religion, and national or ethnic background. His Government reaffirmed its strong support for the third decade to combat racism and racial discrimination and stressed the need to identify the reasons for the shortcomings in the first two previous decades and devise new national and international measures for the future.

(Mr. Bahadian, Brazil)

27. The world community could not overlook the emergence of new forms of racism and xenophobia. Events taking place in the territory of the former Yugoslavia were especially appalling and should be condemned in the strongest terms. The situation seemed to underscore the need to change the way in which various United Nations bodies dealt with the issues of racism and discrimination. His Government strongly supported the appointment by the Commission on Human Rights of a Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. Governments must display wisdom and courage in dealing with human rights problems, including racism and racial discrimination, and take prompt action to resolve them. Brazil, which had consistently supported the full implementation of the right to self-determination, warmly welcomed the recent Palestinian-Israeli agreement. Self-determination meant providing the opportunity for a given people to govern itself without the threat of foreign intervention. The denial of the right to self-determination was a violation of human rights. At the current session, delegations should concentrate on determining ways to enhance the realization of that right.

The meeting rose at 11.55 a.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
6th meeting
held on
Thursday, 14 October 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 6th MEETING

Chairman: Mr. KUKAN (Slovakia)

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AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)*

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)*

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION

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* Items considered together.

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A/C.3/48/SR.6
12 November 1993
ENGLISH
ORIGINAL: SPANISH

93-81596 (E)

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, A/48/76-S/25230, A/48/81, A/48/118, A/48/291-S/26242, A/48/423, A/48/438 and A/48/439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (A/48/94, A/48/207, A/48/211, A/48/307, A/48/330, A/48/357 and A/48/385)

1. Mr. BERNALES BALLESTEROS (Special Rapporteur on the question of the use of mercenaries), introducing the report contained in document A/48/385, said that today there was an increasingly marked trend towards discarding ethical and legal scruples and resorting to the use of mercenaries for illegal activities against the human rights of peoples and self-determination. The reason was that the end of the cold war had seen the appearance and proliferation of armed conflicts caused by the creation of new States and the resurgence of extremist nationalist movements and deep-seated ethnic and religious intolerance. The situation constituted a fertile breeding ground for the proliferation of foreign mercenaries - in particular, those emerging from the disbandment of regular armed forces - a state of affairs which prolonged conflicts and rendered them still more bloody and inhuman.

2. Of particular note was the complexity of the new measures employed for the use of mercenaries and the use of standard legal procedures as a cover-up: they might be presented as citizens of the country in whose armed conflict they were involved. Nevertheless, the origin of the contractual relationship, the place of permanent residence, payment, the type of services contracted for and the simultaneous use of other nationalities and passports could serve as indications of the true nationality of individuals suspected with good cause of being mercenaries, in particular, individuals who legally held dual nationality and intentionally caused criminal harm in one of the countries whose nationality they held on instructions of their other country of nationality.

3. Despite having resolved some of its armed conflicts, Africa remained the continent most affected by the presence of mercenaries: Angola, Benin, Botswana, Comoros, Lesotho, Liberia, Mozambique, Namibia, Zimbabwe, Zaire and Zambia were, among others, countries in which there had been recent mercenary activity, which in some cases was continuing. Moreover those countries and others not belonging to the southern African region had suffered aggression at the hands of mercenaries as a result of the policy of apartheid, originating in South Africa but with ramifications that extended beyond the continent.

4. In Angola the hope which in the previous year's report had seemed to presage movement towards peace and national reconciliation had dissipated in the face of action by UNITA, which had not accepted the results of the elections of the year before or of the Lisbon peace agreements and had relaunched a vicious civil war. Reports indicated that groups of mercenaries, mainly of Zairian and South African nationality, were operating in Angolan territory along the border with Zaire. Further, information had been received that former mercenaries, members of the 31st and 32nd Battalions of the South African Defence Forces, had

(Mr. Bernales Ballesteros)

been recruited as security guards by the South African company Executive Outcomes to protect Angolan oil installations and refineries.

5. Liberia and Zaire had also witnessed acts of violence by mercenaries in Africa, as detailed in paragraphs 77 to 84 of the report. In South Africa, on whose process of eliminating apartheid and democratization there was abundant information in the report, external aggression, with the use of mercenaries, had ceased. Nevertheless, there was cause for concern over the presence of extremist groups, such as the Afrikaner Resistance Movement, which promoted racial and inter-ethnic violence and took part in acts of violence and crimes by armed bands of mercenaries.

6. In Bosnia and Herzegovina, the parties to the conflict had reported the presence of mercenaries. With regard to some or all of them ius sanguinis had been invoked to consider them nationals, and not mercenaries. He indicated his willingness to visit the territories of the former Yugoslavia and conduct the necessary investigations to clarify the facts, in coordination with the Rapporteur appointed by the Commission on Human Rights to monitor that situation.

7. The report provided an analysis, with detailed information, of the participation of mercenaries in the armed conflicts taking place in some States which had emerged from the territory of the former Soviet Union, such as that opposing Armenia against Azerbaijan over the Nagorny Karabakh enclave, and those involving Georgia, Moldova and Tajikistan. Those conflicts involved troops and other military personnel from other States who had apparently become mercenaries as a solution to their financial difficulties. He indicated that he had written to those countries seeking up-to-date information on the matter and suggesting the possibility of conducting on-sight investigations; responses had so far been received from Moldova, Tajikistan, Ukraine and the Russian Federation.

8. Mr. MARKER (Pakistan) said that his country, one of the first to achieve independence after the Second World War through the exercise of the right of peoples to self-determination, had always supported the struggle of other peoples subjected to colonial domination or foreign occupation to enjoy that same right. Accordingly he welcomed the positive steps taken towards multiracial and democratic rule in South Africa, and the movement towards resolution of the Middle East conflict. Regarding the latter, he trusted that it would pave the way for the exercise of the right to self-determination by the Palestinian people.

9. The liberation of Afghanistan and the fall of the Berlin Wall, which had heralded the end of the cold war, represented the triumph of the right of self-determination and had foreshadowed the most widespread exercise of that right since the process of decolonization in Asia and Africa in the 1950s and 1960s. Yet that acceleration in the exercise of self-determination had also in some cases been accompanied by its antithesis, the resurgence of external domination and expansion. For example, in Bosnia and Herzegovina, the wish of the majority of the people for national independence and unity had been virtually extinguished by external aggression and genocide.

(Mr. Marker, Pakistan)

10. The basic principle underlying a political solution to all those conflicts must be that the peoples and nations concerned should be allowed to exercise their right to self-determination without external intervention or coercion. It was surprising that those very States which had celebrated the victory of the values of democracy and human rights in the former communist world should now so readily concur that the suppression of the dictates of democracy, human rights and self-determination could be justified in certain regions by the need to preserve stability. Such opportunism, masquerading as pragmatism, would neither bring peace nor foster democracy. The principles and values which had "won" the cold war were surely as valid in the rest of the world as they had been in Central and Eastern Europe.

11. It was ironic that the people of Jammu and Kashmir, whose right to self-determination had been the first such right to be recognized by the United Nations, had yet to exercise that right. Although Indian leaders had, on numerous occasions, expressed their agreement to the principle of self-determination for the people of Jammu and Kashmir, a principle reaffirmed in several Security Council resolutions, India had not lived up to its pledge to Pakistan, the United Nations and the people of Jammu and Kashmir. From 1948 to 1954, Pakistan had accepted all the proposals made by the United Nations Commission on India and Pakistan, the United Nations Plebiscite Administrator, the President of the Security Council, the United Nations mediator, the Commonwealth Prime Ministers and the Security Council itself with a view to implementing the resolutions on Kashmir. India, however, had rejected each and every one of them.

12. In 1951, India had sought to compromise the status of Jammu and Kashmir by creating a bogus "constituent assembly" for the State. The Security Council, in its resolution 91 (1951), had affirmed that the convening of a constituent assembly and any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the principle of a free and impartial plebiscite which had been agreed on in the Security Council resolutions. The United Nations Military Observer Group in India and Pakistan (UNMOGIP) had been monitoring the cease-fire in Jammu and Kashmir since 1949. However, India was preventing UNMOGIP from discharging its mandate.

13. Under the 1972 Simla Agreement, India and Pakistan had agreed to resolve the Kashmir issue through bilateral negotiations or any other peaceful means mutually agreed upon between them. In accordance with that Agreement, Pakistan had made several attempts to engage India in a substantive dialogue on Kashmir. Unfortunately, India had rejected all those overtures.

14. For over four decades, India had occupied and ruled Jammu and Kashmir by force. The legitimate representatives of the Kashmiri people had been outlawed, and the elections held in Kashmir had been characterized by massive fraud. In late 1989, the Kashmiri people had launched a campaign to secure freedom from Indian rule. The campaign had been largely peaceful until 20 January 1990, when Indian troops had opened fire indiscriminately on demonstrators in Srinagar, killing over 100 people. Since then, the Kashmiri people had been subjected to brutal repression, aimed at demoralizing and terrorizing them. Reputable international organizations, such as Amnesty International, had attested to

(Mr. Marker, Pakistan)

extrajudicial and summary executions, murders of detainees, disappearances, rape, torture, arson and other grave violations of human rights in Indian-occupied Kashmir.

15. India had further escalated its campaign of military repression in Kashmir by sending additional forces to the occupied territory, over and above the 500,000 troops already occupying the area. However, despite its savage military onslaught, India had not succeeded in intimidating the Kashmiri people, who were continuing their struggle for freedom. The people of Kashmir had made clear their firm decision not to accept any solution which kept Kashmir under Indian rule. Pakistan, which wholeheartedly supported the valiant struggle of the Kashmiri people, had exercised extreme self-restraint in order to avoid war, and was limiting itself to providing them with moral, political and diplomatic support. However, Indian troops often fired at civilians on the Pakistani side of the Line of Control and, since 1990, had killed over 600. Recently, they had fired on an UNMOGIP observer on the Pakistani side of the Line of Control.

16. Pakistan had welcomed the Secretary-General's offer to use his good offices to help to resolve the Kashmiri problem, and hoped that India would also do so. However, if there was to be any possibility of resolving the conflict, India must abandon its policy of repression in Kashmir and permit the people to exercise freely their right to self-determination.

17. Mr. TROTTIER (Canada) said that his country welcomed the appointment, at the forty-ninth session of the Commission on Human Rights, of a Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. Various guiding instruments on that subject existed, others were being developed, and the majority of States were party to the International Convention on the Elimination of All Forms of Racial Discrimination. That Convention, and the Committee established under it, were key to the efforts to eliminate racism throughout the world. Canada urged States parties to the Convention to submit their reports to the Committee in a timely manner. It also welcomed the decision to amend the Convention so that the Committee's activities could be funded from the United Nations regular budget. That was an initiative which Canada had been supporting for a long time, and his delegation urged States parties to ratify the amendment so that it could enter into force.

18. Despite the achievements made in combating racism, examples of discrimination on the basis of colour, ethnic heritage or social or cultural differences could be found in all parts of the world; Canada was no exception as minorities and aboriginal peoples had represented 6 per cent and 4 per cent respectively of its population in 1986, and those percentages were growing. However, Canada's position that racism and racial discrimination were inconsistent with its laws and ideals was very clear. The Constitution stipulated that the right to equality should be interpreted with due respect for the multicultural heritage of Canadians.

19. Nevertheless, laws were insufficient to combat the rise in racism and racial discrimination throughout the world. Accordingly, all States and the United Nations must develop education programmes to promote harmony among different groups. In 1989, Canada had launched a public education campaign to

(Mr. Trottier, Canada)

combat racism and racial discrimination which had grown each year. Moreover, support was being provided for community efforts and for private and public institutions working to ensure equal access and opportunity. Like some States members of the European Community, Canada was increasingly concerned at the activities of hate groups, which used rapidly developing telecommunications networks to disseminate their propaganda.

20. With regard to South Africa, the historic agreement of September 1993 was a tribute to the determination of all South Africans opposed to racism. After three years of difficult negotiations, the elections would put an end to institutionalized apartheid and would pave the way for a new, non-racial South Africa. However, politically motivated violence persisted in South Africa. Canada once again called upon all parties to do their utmost to bring an end to the violence. An end to racism and respect for democratic values went hand in hand, and all parties must endeavour to encourage the climate of political and social tolerance that was required to combat the legacy of apartheid.

21. Canada and other members of the international community had responded favourably to requests to send international observers to South Africa during the period leading up to the elections in April 1994. His delegation was pleased to report that the Commonwealth had renewed its observer mission to South Africa; that mission, in which Canada was participating, was working closely with other international groups to ensure the implementation of the National Peace Accord.

22. With regard to Yugoslavia, the international community could not abandon its fight against the totally unacceptable phenomenon of ethnic cleansing. Despite all the efforts made by the international community to end the violence and bloodshed in the former Yugoslavia, such violence and human rights abuses were not only continuing, but increasing on a daily basis. It was particularly deplorable that ethnic cleansing continued to be used as a weapon in that senseless war.

23. Mr. KEATING (New Zealand) said that despite the international community's efforts to combat those phenomena, individually and collectively, racism and racial discrimination were still a depressing reality in many parts of the world. New Zealand acknowledged and was seriously committed to participating in collective efforts to fight against racism throughout the world and called upon all countries and peoples to do likewise.

24. New Zealand, which was home to people of many races, particularly the indigenous population, was also committed to eliminating racism within the country and while the Government could not claim that New Zealand society was wholly free from racial discrimination or the consequences of earlier problems, it was determined to achieve equality and non-discrimination with the help of its citizens.

25. Consistent with the Treaty of Waitangi - the founding document of New Zealand - the Government had tried to ensure that the rights and concerns of the indigenous Maori people were accorded special priority. The Maori and the New Zealand Government had established a firm working partnership which was continuing to grow rapidly.

(Mr. Keating, New Zealand)

26. The Ministry for Maori Development continued to play a central role in the process of fine tuning the structure of government agencies to ensure that the Maori attained their development goals. The Government's determination to develop an environment of opportunity and choice for the Maori was based not only on the moral imperative of righting past injustices but was also an investment in the country's social, cultural and economic future, whose diversity could become one of its greatest assets.

27. New Zealand, which had been a long-standing opponent of apartheid, welcomed the advances achieved in South Africa, in particular, the announcement that the first multiracial elections would be held on 27 April 1994 and the decision of the South African Parliament in September to establish a Transitional Executive Council. New Zealand urged all parties to give their full support to the transitional process and to participate in the negotiations with a view to drafting an interim constitution. The electoral process itself would be a huge challenge: the recent escalation of violence indicated the need to find a broadly based solution and avoid delays which could lead to further tragedy.

28. The international community must perform its important role of encouraging the parties to continue the current process of change and to support South Africa's reintegration into the international community for the benefit of all its citizens. New Zealand, for its part, would continue to support the activities of the United Nations and the Commonwealth in support of South Africa's transition towards the establishment of a fully democratic non-racial society.

29. Unfortunately, while progress had been achieved in South Africa, the shocking manifestation of racism in the former Yugoslavia was a step backward. Ethnic cleansing - a phenomenon so horrible and unexpected that new language had had to be coined to describe it - covered a multitude of gross violations of human rights such as systematic expulsion, forcible relocation, destruction of dwellings, degrading treatment of human beings, rape and killings. New Zealand, concerned about the question, had supported the establishment of a war crimes tribunal for the former Yugoslavia and attached the highest priority to the full achievement of the tribunal's mandate.

30. While apartheid and ethnic cleansing had been priority issues for international attention, the United Nations must continue to fight against racism in all its forms. In that regard, New Zealand welcomed the decision taken by the Commission on Human Rights to appoint a Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance. Close collaboration would be required between the Special Rapporteur and other United Nations mechanisms dealing with human rights issues.

31. New Zealand acknowledged the important work being done by the Committee on Racial Discrimination, which was responsible for monitoring and reviewing actions by States parties to fulfil their obligations under the Convention on the Elimination of All Forms of Racial Discrimination. His country also welcomed the decision by the States parties to the Convention to amend the Convention in order to improve the Committee's financial situation. New Zealand had ratified the relevant amendment and urged other States parties to do

(Mr. Keating, New Zealand)

likewise bearing in mind that the amendment would enter into force when accepted by a two-thirds majority of States parties.

32. The elimination of racism, the essential goal of the first two decades to combat racism and racial discrimination, was yet to be achieved and in that connection his delegation had studied with great interest the draft programme of action for a third decade to combat racism and racial discrimination (1993-2003) and looked forward to discussions on the draft in the Third Committee.

33. Mr. AL-SAEID (Kuwait) said that Kuwait rejected all acts of racial discrimination that jeopardized human dignity and values, the norms of civilized societies and the teachings of Islam enshrined in the Koran.

34. He welcomed the progress achieved in South Africa towards the elimination of apartheid resulting from the struggle of the South African people and the support of the international community, thus starting the country on a path to equality and justice.

35. His country was shocked by the outlandish practice of ethnic cleansing carried out by the Serbs against the Muslims in Bosnia and Herzegovina for religious reasons; the international community must assume its responsibility and put pressure on the Serbs to stop the genocide.

36. Kuwait firmly believed in self-determination, a principle it had always supported, in particular by co-sponsoring resolutions on the subject. Therefore, it welcomed the agreement signed between Israel and Palestine as a first step towards the establishment of a Palestinian State. In that connection, he hoped that fresh progress would be made in the negotiations with Lebanon and Syria in order to bring peace to the Middle East.

37. Mr. NIETO (Argentina) said that in paragraphs 32 and 33 of his report (A/48/385) the Special Rapporteur on the question of the use of mercenaries had made reference to serious allegations of clandestine activities involving the recruitment and training of mercenaries in Argentina and quoted a communication from the Permanent Mission of the Argentine Republic to the United Nations Office at Geneva which indicated that the investigations carried out by the Argentine authorities on that subject had turned nothing up. His Government was not linked in any way whatsoever to the problem and disclaimed responsibility for any acts committed. Nevertheless, the investigations would continue and the Special Rapporteur would be informed through the Centre for Human Rights of any new information that might be useful to him in carrying out his task. He reaffirmed Argentina's commitment to the implementation of multilateral instruments relating to the fight against the use of mercenaries and to strict compliance with the provisions of international law on the subject.

38. Mr. SUTOYO (Indonesia) said that the Jakarta Message, elaborated at the Tenth Conference of Heads of State or Government of Non-Aligned Countries, had recognized new forms of racism and had concretely defined nationalism as a major and dangerous obstacle to harmonious coexistence, which had even led to the disintegration of States and societies.

(Mr. Sutoyo, Indonesia)

39. The advent of a new world order based on the rule of law and the peaceful settlement of disputes was being increasingly challenged by mounting regional unrest and, at times, outright violence, arising from persistent and generalized feelings of racial and ethnic superiority and from distorted forms of nationalism and racial bigotry.

40. It was unfortunate that, at the conclusion of the Second Decade to Combat Racism and Racial Discrimination, the United Nations had still not achieved its lofty goals; even the recent activities outlined in the plan of action adopted in resolution 42/47 had not been implemented because of a lack of financial resources. His country therefore noted with satisfaction that at its forty-seventh session, the General Assembly had reaffirmed that the international community should continue to give the highest priority to programmes for combating racism, racial discrimination and apartheid, which were essential to establishing a new world order founded on tolerance and respect for human rights.

41. The launching of a third decade to combat racism and racial discrimination was another important initiative. In its resolution 1993/11, the Commission on Human Rights had addressed the question of the implementation of the Programme of Action for the Second Decade and the launching of a third decade and had recommended carrying out the activities proposed by the Secretary-General in his report to the forty-seventh General Assembly (A/47/432). Indonesia supported those proposals and was pleased to see that they included the mobilization of public opinion and educational and multicultural activities at the regional and national levels, in addition to seminars and workshops at the international level. His country also supported the view expressed at the Second World Conference to Combat Racism and Racial Discrimination on the importance of education, teaching and training for the achievement of that objective.

42. With regard to the question of South Africa, it was heartening to observe that the determined efforts by the leaders of the South African majority to initiate a peaceful dialogue had begun to meet with success and yield practical results, such as the multiparty elections in South Africa to be held in April 1994. Indonesia supported the legitimate demands of the majority of the South African people for the establishment, through democratic elections, of a constituent assembly to draw up a non-racial and democratic constitution. Furthermore, it urged all participants in the negotiations to redouble their efforts to reach agreement on the fundamental questions of an interim government or transitional authority and the establishment of a constituent assembly. Indonesia welcomed the historic compromise that had resulted in the establishment of the Transitional Executive Council, which could represent an irreversible move towards the abolition of apartheid.

43. On the basis of those positive developments, Indonesia supported the resolution lifting economic sanctions against South Africa and would follow closely the transition period and the process of democratization in that country; it noted, however, that concerted development programmes were necessary to eliminate all vestiges of racism and racial discrimination.

(Mr. Sutoyo, Indonesia)

44. Bosnia and Herzegovina, a multi-ethnic, multicultural and multi-religious society decimated by bloody civil strife and ethnic cleansing, remained a dilemma for the international community. His country would continue to give its full support to the Government and people of Bosnia and Herzegovina in their legitimate struggle to find a just and viable settlement which provided adequate international guarantees for their political and territorial integrity.

45. Indonesia continued to monitor developments in the Middle East, where the Palestinian people had made significant strides towards the exercise of its right to self-determination. The first steps in the peace process had been reflected in the declaration of principles on Palestinian interim self-government arrangements in the occupied territories. Indonesia would continue to lend its unwavering support to the Palestinian people in an effort to secure its inalienable right to self-determination and to support the peace process.

46. Lastly, Indonesia fervently hoped that the coming decade to combat racism and racial discrimination would receive not only the rhetorical support of the international community but also the material resources necessary to implement its current and future plans of activity.

47. Mr. CALOVSKI (the former Yugoslav Republic of Macedonia) said that the Vienna World Conference on Human Rights and events throughout the world made it clear that the struggle to eliminate all forms of racial discrimination was far from over. The United Nations needed to contribute in a significant and decisive way to that effort. Furthermore, the elimination of all forms of racial discrimination should be an essential component of all the other processes and efforts directed at improving the situation at the regional, national and international levels since it was not possible to combat that phenomenon in isolation.

48. The Balkan region was witnessing a rise in nationalism, a form of racial discrimination which it had been impossible to stop thus far. The events in Bosnia and Herzegovina were in part a result of that phenomenon, the worst form of which was ethnic cleansing, and of the international community's inability to stop it.

49. All States should begin by recognizing the existence of national, ethnic, religious and linguistic minorities since theirs was an inviolable and fundamental human right. The principles enshrined in all the United Nations instruments on that matter should be respected.

50. The results of the Vienna Conference would facilitate the Third Committee's work in the area of human rights. Tribute should be paid to the Government of Austria and the Centre for Human Rights for their efforts.

51. Recent positive developments in the Middle East and in South Africa would contribute significantly to improving the situation in those regions and in the world, not only from a political perspective but also from the viewpoint of the struggle against all forms of racial discrimination.

(Mr. Calovski, the former Yugoslav Republic of Macedonia)

52. It was important to provide unconditional support for the Committee for the Elimination of Racial Discrimination, one of the most important tools available to the United Nations for combating racial discrimination; the Committee's work should not be impeded by financial constraints. The Secretary-General or the Centre for Human Rights should be requested to prepare a special report on the work of the Committee at the national and international levels, to be presented to the General Assembly at its fiftieth session.

53. Lastly, he wished to point out that although many speakers were using the phrase "military hostilities in ex or the former Yugoslavia", in reality there was no war in the Republic of Macedonia, or in Slovenia, or in Serbia and Montenegro. It was therefore correct to speak of military hostilities in Bosnia and Herzegovina and in Croatia but not in the "former Yugoslavia".

54. Mr. ABDULLAH (India), speaking in exercise of the right of reply, said that he had found in the statement of Pakistan a concerted effort to destroy a noble concept which had played a historic role for the greater part of the current century, but which, like all great ideas in history, was time-specific and context-specific.

55. The assertion of the representative of Pakistan regarding the status of the Indian State of Jammu and Kashmir was wrong in fact, untenable in law and intended to mislead. He wondered whether the delegation of Pakistan would controvert the fact that the legal and constitutional instrument by which the modern States of India and Pakistan had come into existence had been an act of the British Parliament known as the Indian Independence Act. Section 7 (b) of that Act stipulated that the entities known as the princely States, which had had a treaty relationship with the British Crown and acknowledged British suzerainty, had been free to exercise the right to join either India or Pakistan, or even to remain independent. Pursuant to that Act, a large number of princely States had joined India and at least 10 of them had joined Pakistan. If Pakistan currently questioned the legality of the accession of Jammu and Kashmir to India, it questioned by the same logic the legality of the accession of the States which had joined Pakistan and whose territories were currently an integral part of the Islamic Republic of Pakistan. He hoped that the delegation of Pakistan understood the implications of the statements which it made in pursuit of its obsessive urge to acquire by means mostly foul a part of the territory of India.

56. Another inconsistency in Pakistan's argument was that Jammu and Kashmir was disputed territory and that the dispute could only be settled if the people of the area exercised their right to self-determination through a plebiscite. Even if he were to accept that claim, there would still be the gross illogic of Pakistan's actions in that part of the territory of Jammu and Kashmir which was under illegal occupation. It was well known that any suggestion of self-determination in that part of the State was forbidden by law.

57. As if that were not enough, Pakistan had administratively and legally annexed another part of the State known as the Northern Areas. The legality of that action had also been called into question. For Pakistan, the right to self-determination meant its right to determine its own destiny and that of

(Mr. Abdullah, India)

others. He wondered how long the Committee would be subjected to such sophistry and chicanery.

58. India wished to live in peace with Pakistan and was ready to settle all the issues between the two countries through bilateral dialogue under the Simla Agreement.

59. Mr. AKRAM (Pakistan), speaking in exercise of the right of reply, said that the representative of India had claimed that Kashmir was a part of India, but that on 16 August he had asserted in London, in a statement to the BBC, that the problem of Kashmir should be resolved among the three parties concerned, namely, India, Pakistan, and Kashmir itself.

60. He had now changed his position - not for the first time - and had said that the princely States of the former British India had been given the freedom to decide whether they wished to become part of India or of Pakistan. The representative of India had not taken into account the make-up of the population of each State, its geographic location or the wishes of the people. The State of Hyderabad, with 17 million inhabitants, had declared its independence in 1947. India had invaded it and had incorporated it into the Union. The State of Manavadar, which had had an Indian majority but which had been governed by a Muslim ruler, had chosen to join Pakistan and it too had been invaded and incorporated into the Union. The State of Jammu and Kashmir had been ruled by an Indian Maharajah, but its population had been majority Muslim and that majority had voted against the wishes of the Indian Maharajah, who had then requested help from India. India had sent its troops to the territory in exchange for an alleged letter of accession to the Union. There was no evidence, however, that the Maharajah of Kashmir had signed such a letter, and even if he had done so, that action had been overturned by the resolutions of the Security Council, which had clearly stated that the future of the State of Jammu and Kashmir should be decided by the people of that State through a plebiscite sponsored by the United Nations.

61. Both before and after the adoption of those resolutions, the Prime Minister of India had reiterated that his country was committed to implementing them. Between 1948 and 1953, various organs of the United Nations, the Commonwealth and other mediators had proposed formulas for implementing the resolutions. Pakistan had accepted all the resolutions, whereas India had accepted none. The proposal to send a Commonwealth force to supervise the plebiscite had been accepted by Pakistan, but not by India.

62. The representative of India had referred to administrative arrangements made by Pakistan in a part of the territory of Jammu and Kashmir, but the question was whether he would accept a free and fair plebiscite in the whole of Kashmir under United Nations auspices. When India indicated its readiness to accept it, Pakistan would accept all the conditions which the Security Council or the United Nations considered fair.

63. Mr. ABDULLAH (India), speaking in exercise of the right of reply, said that he wished to apprise those who were unfamiliar with the problem of Kashmir that, at the time of the partition of India, the Maharajah had still not decided which State he would join, nor had it been expected that the people would express

(Mr. Abdullah, India)

their preference. Pakistan had launched a military attack on Kashmir and in 1948 had used highly trained guerrillas to rape women and burn homes, all in a quick campaign to occupy the territory by force. Pakistan had hoped that, being a Muslim-majority State, Kashmir would side with it. Bangladesh, known at the time as East Pakistan, had also been a Muslim territory and should therefore have remained a part of Pakistan. Islam alone, however, did not bind the peoples of those territories.

64. The international community still recalled the guerrilla attacks and two subsequent attacks launched to gain control of the territory. Since the Pakistanis had still failed to gain control of Jammu and Kashmir, they had launched a further attack. They had trained guerrillas in their territory, including not only persons of Kashmiri origin, but also nationals of many Arab countries. They had burnt hospitals, schools and the homes of persons who had not agreed to become part of Pakistan. The question was whether Pakistan wanted peace in the region and whether it wanted all people to live in peace and harmony in those areas of India where there were large Muslim populations. India wanted peace, but not at gunpoint. The Pakistanis continued to kill people while claiming that they were only providing moral support.

65. Without question, the people of Jammu and Kashmir were suffering. Tourism had come to a standstill and the livelihood of the State's population was threatened by the daily clash of arms. The question was whether terrorism should be combated or be allowed to triumph. If it were allowed to triumph, every country would run the risk of being invaded, occupied and deprived of freedom. India wanted Pakistan to prosper and grow, and in turn wanted Pakistan to permit it to prosper in harmony and fraternity. Every individual, whatever religion he professed, had the right to live in peace.

66. Mr. AKRAM (Pakistan), speaking in exercise of the right of reply, said that, while he too naturally wanted the people of Kashmir to be able to live in peace, he wished to say to the representative of India that it should not be the peace of the grave, which was what the Indian army of half a million men - one soldier for each two local men - was offering to the people of the occupied territory of Jammu and Kashmir.

67. The representative of India had said that Pakistan had tried to gain control of Kashmir by force, an allegation that was absolutely groundless, as the representative was well aware. The best solution would be for India to agree to the holding of a referendum which would permit the truth to emerge. His country had no wish to take control of the territory by force, which, in any event, was impossible, given the strength and size of the Indian army. But the people of Kashmir had expressed their desire to free themselves from the Indian yoke. If Mr. Abdullah represented the sentiments of the population of Kashmir, he should return to that territory and be a candidate in elections. The result would be a foregone conclusion. On each occasion on which he had been elected, the elections had been rigged, as the Indian Minister of Home Affairs had himself acknowledged.

68. With regard to Bangladesh, Pakistan respected that country. But India, which was responsible for the aggression against Pakistan in 1971 and for the dismemberment of a State Member of the United Nations - which constituted a

(Mr. Akram, Pakistan)

violation of the Charter of the Organization and of international law - had no right to speak of Bangladesh and should not take pride in that event, since the same fate might await other countries. Indeed that fate had befallen many of those which at that time had supported the dismemberment of Pakistan.

The meeting rose at 5.15 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
7th meeting
held on
Friday, 15 October 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 7th MEETING

Chairman: Mr. KUKAN (Slovakia)

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* Items considered together.

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, A/48/76-S/25230, A/48/81, A/48/118, A/48/291-S/26242, A/48/423, A/48/438, A/48/439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/48/94, A/48/207, A/48/211, A/48/307, A/48/330, A/48/357, A/48/384, A/48/385)

1. Mr. SNEGUR (Republic of Moldova) said that, like the vast majority of delegations, his delegation was determined to construe the concept of self-determination as primarily implying the establishment of an internal order based on good governance, protection of human rights and democratic participation of all in decision-making. However, despite the Organization's global concerns, some issues must be examined on a case-by-case basis. In particular, too many illegitimate claims had been introduced regarding the exercise of the right to self-determination.

2. The situation in the Transdniestr area of the Republic of Moldova was an example of such false claims. Indeed, the involvement of secessionist factions in the Transdniestr area on the hard-liners' side in the recent Moscow political crisis had been documented. The secessionists' actions, which were illegitimate and characterized by political extremism and exclusion ideologies, were backed by the unjustifiable presence of the 14th Russian Army. The desire to secede had been spawned and nourished by the erroneous belief that separation could alleviate social and economic difficulties. In that respect, economic assistance should significantly ease the tension.

3. Yet despite the secessionists' assertions, the unfolding conflict was not an inter-ethnic one but rather a political conflict aimed at rebuilding a new imperial structure. That fact had been confirmed by the United Nations and the Conference on Security and Cooperation in Europe (CSCE) missions which had visited Moldova. The fake label of "ethnic confrontation" had provided the Russian Federation with the pretext to maintain its armed forces in the Republic of Moldova.

4. The application of the principle of self-determination of peoples must not override international law, nor be used as an excuse for human-rights violations. In that regard, the guidelines contained in the Secretary-General's report entitled "An Agenda for Peace" would be very useful.

5. Mr. ENDREFFY (Hungary) said that resolutions and condemnations were in themselves not enough to prevent human-rights violations such as those occurring in the former Yugoslavia. It was crucial to ensure international protection for ethnic and national minorities. Hungary supported the establishment of an international tribunal to prosecute persons responsible for violations of international humanitarian law in the former Yugoslavia. An independent judiciary, coupled with legislation that conformed with international human rights standards, were important pillars of the fight against racial

(Mr. Endreffy, Hungary)

discrimination. In that regard, the Declaration and Programme of Action adopted by the World Conference on Human Rights held at Vienna in June 1993 provided the Committee with valuable guidance.

6. His delegation welcomed the positive developments in South Africa in the struggle against apartheid and also commended the Committee on the Elimination of Racial Discrimination for its noteworthy work, in particular its adoption of the working paper on the prevention of racial discrimination (A/48/18, annex III). The recent adoption by the Hungarian National Assembly of the Act on the Rights of National and Ethnic Minorities bolstered Hungary's conviction that the mere prohibition of discrimination against minorities was not enough and that a more active protection of their rights was needed. Hungary was ready to cooperate with the special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance appointed by the Commission on Human Rights in resolution 1993/20 and would also support the declaration, at the current General Assembly session, of a third decade against racism and racial discrimination.

7. One of the most important elements of the right to self-determination was the establishment of adequate mechanisms to ensure participation in the conduct of public affairs. The will of the people could best be expressed through periodic, free and fair elections. The establishment of democratic institutions and an accessible, independent judiciary were also natural elements of self-determination. The right of self-determination could be implemented in different ways and it would be wrong to equate it to secession.

8. Ms. PILOTO (Zimbabwe) noted that new and disturbing forms of racism and racial discrimination had arisen, based on ethnic, linguistic and religious differences. Her delegation agreed with the Secretary-General's observation in the draft programme for the third decade (A/48/423) that, despite the distinction between racism and racial discrimination on the one hand and intolerance and ethnic discrimination on the other, the two phenomena could still be discussed together. Zimbabwe welcomed the Commission on Human Rights decision to appoint a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and other related intolerance.

9. One reason for the failure to achieve the targets set for the first two decades was the lack of political will to abide by the International Convention on the Elimination of All Forms of Racial Discrimination. The international community should demonstrate its commitment by unreservedly supporting the draft programme for the third decade.

10. With regard to self-determination, her delegation remained disturbed by the use of mercenaries in southern Africa documented by the Special Rapporteur in his report (A/48/385, annex). The activities of white mercenaries clearly threatened the democratization process in South Africa and peace and security of the entire region. Unless the international community closely monitored that situation, in keeping with General Assembly resolution 47/84, the envisaged new democracy in South Africa would remain fragile in the face of such threats.

11. Miss FERTELKIGIL (Turkey) said that the recent Vienna World Conference on Human Rights had marked a turning-point in United Nations activities to protect and promote human rights. Her delegation welcomed the adoption by consensus of the Vienna Declaration and the Programme of Action.

12. New manifestations of racism in the form of violent attacks against innocent persons were a potential source of conflict between States and threatened international peace and security. Turkish migrant workers in Europe and their families had become increasingly subjected to racist harassment and violence. Host countries should adopt additional measures to combat racism and protect vulnerable groups, backed by legislation guaranteeing human rights. In that regard, it was essential to sensitize public opinion and instil mutual tolerance so as to break the vicious cycle of racial hatred. Non-governmental agencies also had the responsibility to oppose new forms of racism and to work to eliminate them.

13. Her delegation welcomed the appointment by the Commission on Human Rights of a special rapporteur on contemporary forms of racism. It would fully support the declaration by the General Assembly of a third decade to combat racism and racial discrimination, and endorsed the draft programme of action for third decade contained in the report of the Secretary-General (A/48/423).

14. In South Africa, historic progress had been made towards the establishment of a united, non-racial and democratic society. The situation in Bosnia and Herzegovina, however, continued to be of grave concern. The international community's failure to act would seriously jeopardize the legitimacy of international law. The World Conference on Human Rights had qualified the situation in Bosnia and Herzegovina as one of genocide and had appealed to the Security Council to adopt appropriate measures. Another violation of international law in the region of the Caucasus, where one fifth of Azerbaijani territory was under foreign occupation, threatened the peace and security of the entire region. Her delegation supported Security Council resolutions 822 (1993) and 853 (1993), which called for the immediate, complete and unconditional withdrawal of all occupying forces from Azerbaijan.

15. Her delegation commended the recent agreement between the Palestine Liberation Organization and Israel, which gave hope for a comprehensive solution to the problem in the Middle East. It also welcomed the proclamation of a new constitution in Cambodia, and Eritrea's peaceful gaining of independence.

16. Mrs. KOVALSKA (Ukraine) noted that, as a result of the progress made towards democracy in South Africa, the General Assembly had lifted economic sanctions. Security Council resolution 772 (1992) had defined ways to resume the negotiating process and had produced a positive effect on events in South Africa. United Nations organs and specialized agencies should take new steps to ensure democratic elections in April 1994 in that country.

17. With regard to the continued policy of "ethnic cleansing" in the territory of the former Yugoslavia, Ukraine had been a sponsor of General Assembly resolution 47/80 condemning "ethnic cleansing" and racial hatred, and endorsed Security Council resolution 808 (1993) on the establishment of an international

(Mrs. Kovalska, Ukraine)

tribunal. In the light of continuing ethnic conflicts, her delegation welcomed the appointment by the Commission on Human Rights of a special rapporteur on racism, racial discrimination, xenophobia and related intolerance. Governments, for their part, were responsible for adopting all necessary legislative and educational measures to eradicate racism and xenophobia. Her delegation appealed to all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to meet their obligations. In that connection, she wished to note that her country had recognized the competence of the Committee on the Elimination of Racial Discrimination under article 14 of the Convention to consider communications from individuals or groups of individuals claiming to be victims of human-rights violations.

18. The Vienna Declaration adopted at the recent World Conference on Human Rights had confirmed that the denial of the right to self-determination was a violation of human rights. However, the right to self-determination could not be construed as encouraging any action aimed at violating the territorial integrity and political unity of sovereign and independent States. In many cases - in the territory of the former USSR in particular - extreme nationalism was a reaction to the previous neglect of the rights of ethnic groups. The process of developing newly formed States might have been less painful if the former system in the USSR had not been so oppressive. The challenge at present was to rectify existing disparities through the establishment of a new society based on the rule of law, democracy and respect for human rights.

19. Mr. ROWE (Australia) said that in order to be effective, United Nations educative programmes, which were so crucial to the fight against racism, must be focused and relevant. His delegation urged the Secretary-General to examine the programmes currently being undertaken by the Centre for Human Rights and the Department of Public Information (DPI) with a view to merging United Nations education and public information programmes in the field of racism and racial discrimination into a single unit, based in Geneva, through the redeployment of resources currently allocated to DPI.

20. National institutions for the promotion and protection of human rights had a major responsibility in combating racism and racial discrimination. Governments should ensure that national institutions had secure and adequate funding and that the rights of indigenous peoples were accorded specific recognition and priority. The Council for Aboriginal Reconciliation, a unique national institution established by the Australian Parliament in 1991, was responsible for educating the entire population, consulting with indigenous peoples and making recommendations to the Government on how to redress the disadvantages of Australia's indigenous peoples.

21. The International Year for the World's Indigenous People had contributed to unprecedented public awareness and debate on indigenous issues in his country. Since, however, experience had shown that one year was little time to produce lasting results, his country welcomed the recommendation by the Vienna World Conference on Human Rights to proclaim an international decade of the world's indigenous people. An important objective of that decade would be the advancement of the draft declaration on the rights of indigenous peoples. It

(Mr. Rowe, Australia)

was time for the Working Group on Indigenous Populations to complete its work on the draft declaration in time for its submission to the Commission on Human Rights in 1995. His delegation also supported the idea of establishing a permanent forum for indigenous peoples within the United Nations system and proposed that the Secretary-General should prepare a study of the feasibility of establishing such a forum.

22. The previous year, States parties to the International Convention on the Elimination of All Forms of Racial Discrimination had decided to amend the Convention in order to provide for regular-budget funding for the Committee on the Elimination of Racial Discrimination. His delegation urged all States parties to notify their agreement to the amendment as soon as possible so as to speed its entry into force. His delegation also welcomed the decision by that Committee to consider situations in States even when no report had been submitted. As an important step in beginning to address the unacceptably high level of overdue reports.

The meeting rose at 11.35 a.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

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THIRD COMMITTEE
8th meeting
held on
Friday, 15 October 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 8th MEETING

Chairman: Mr. KUKAN (Slovakia)

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(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, A/48/76-S/25230, A/48/81, A/48/118, A/48/291-S/26242, A/48/423, A/48/438 and A/48/439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/48/94, A/48/207, A/48/211, A/48/307, A/48/330, A/48/357, A/48/384, A/48/385)

1. Mr. LEMINE (Mauritania) said that as the Second Decade to Combat Racism and Racial Discrimination was drawing to a close, it was encouraging to see the progress that had been made in South Africa towards the eradication of apartheid and the establishment of a unified, democratic and non-racial society. The international community had understood the importance of those changes and as a result had decided to lift the sanctions against South Africa. Nevertheless, South Africa was going through a critical period of transition. The South African authorities should release all political prisoners and put an end to violence. Once apartheid had been dismantled, the help of the international community would be needed to correct the profound disparities left by the former regime. An appeal for such assistance had been made at the World Conference on Human Rights.

2. The world social and economic situation had given rise to new forms of racism, xenophobia and intolerance. For example, migrant workers, once encouraged to leave their own countries to help in the building of other countries, had become the main target of those new demonstrations of hostility. The decision of the Commission on Human Rights to appoint a Special Rapporteur to examine contemporary forms of racism, racial discrimination, xenophobia and related intolerance, was to be welcomed. The international community had a duty to do everything possible to foresee and prevent the resurgence of such phenomena.

3. The case of Bosnia and Herzegovina was the most tragic, and it was inadmissible that the international community should resign itself to accepting the plans and borders worked out by those who had conceived and implemented the evil policy of ethnic cleansing. The international community could not accept the fragmentation of a Member State of the United Nations at the very moment that it was celebrating the victory over apartheid. It should take immediate individual or collective measures to combat ethnic cleansing and comply with the Programme of Action of the Vienna Conference.

4. All those situations fully justified the proclamation of a third decade to combat racism and racial discrimination. The United Nations and the international community should redouble their efforts to give full effect to the programme of action for the new decade. It was encouraging that the World Conference on Human Rights had attached special importance to that question. In order to attain the goals that had been set it was essential to attack the underlying causes of racism and racial discrimination in all their forms. Adequate resources would of course be needed for that purpose, but what was really important was to be able to eliminate the sources that nurtured hatred, xenophobia and intolerance throughout the world.

5. Mr. SERGIWA (Libyan Arab Jamahiriya) said that, despite the efforts of the United Nations and the international community to eliminate racism and racial discrimination, millions of people continued to be the victims of the policy of ethnic cleansing which degraded and marginalized human beings. Violence had taken new forms: xenophobia and discrimination against migrant workers in European countries, especially against the Arab communities. The result of the resurgence of racism in the European countries, based on feelings of superiority, were countless acts of physical and moral violence.

6. He welcomed the decision to appoint a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. It was to be hoped that he would have the assistance he needed to carry out his task and that his efforts would help to eradicate racism and racial discrimination.

7. His delegation expressed its satisfaction with the way the situation in South Africa was developing because it would generate the necessary conditions for a transition to a democratic, non-racial and unified society. Nevertheless, it deplored the violence which was still going on and which had caused innumerable deaths. He urged all the parties to put an end to those acts of violence and to create a climate favourable to reaching agreements during the transition to democracy in South Africa.

8. He endorsed the proclamation of the Third Decade to Combat Racism and Racial Discrimination and stressed the need to put an end to policies which strengthened racist regimes. He was glad that the programme of action for the third decade gave priority to activities related to the eradication of racism and discrimination and emphasized the importance of holding seminars and practical courses on the various relevant topics, of promulgating the corresponding laws and of publishing information and educational materials. It was to be hoped that the necessary resources would be available to carry out those activities.

9. Despite the progress made regarding the exercise of the right to self-determination, there were still peoples which did not enjoy that right, such as the Palestinians, who had seen its exercise denied them and whose lands had been taken by force. It was to be hoped that all the resolutions on the question of Palestine recognizing the inalienable right of that people to self-determination would be implemented and that Israel would be requested to withdraw from all occupied Arab territories, including the Holy City of Jerusalem.

10. Ms. SEMAFUMU (Uganda) welcomed the positive trend of events in South Africa and the General Assembly's lifting of the economic sanctions. Nevertheless, the persistence of violence in that country called for concerted and firm action by all parties. The international community would need to lend its support during the difficult transitional period. Unfortunately, the situation was very different in Croatia and Bosnia and Herzegovina, where the apartheid-like practice of ethnic cleansing had taken root and spread.

11. In the post-cold-war era, demonstrations of xenophobia and nationalistic, ethnic and religious tensions were on the rise. The proliferation of neo-Nazi groups was alarming. The victims of that new form of violence were some of the

(Ms. Semafumu, Uganda)

most defenceless members of society, such as migrant workers, refugees and asylum-seekers. In those circumstances, her delegation welcomed the appointment of a Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia.

12. Measures directed at eliminating those new forms of violence should be a major focus of the activities of the Third Decade to Combat Racism and Racial Discrimination. She welcomed the model legislation prepared by the Secretariat, and the fact that the draft programme of action for the third decade would address the question of compensation for victims of discrimination.

13. However, legislation would not suffice to end the problem. The holistic approach used in the Secretary-General's report was therefore a commendable strategy. Her delegation fully supported the choice of topics for research and study, particularly those relating to the relationship between racism and social and economic factors. However, it would have been appropriate to include more details on the institutional arrangements through which the results of those activities would be disseminated, so as to ensure the broadest impact in the most cost-effective manner.

14. In many countries foreigners were sometimes seen as the cause of social problems which were in reality far more complex. That false perception, based on ignorance, frequently stimulated resentment and hatred. It was important that the media campaign and education against discrimination should include data regarding the contribution made by immigrants to the economic, social and cultural development of the host countries.

15. Her delegation recalled that in resolution 47/77 the General Assembly had expressed regret that certain activities had not been implemented because of lack of resources. It was to be hoped that the priority given to the struggle against racism, racial discrimination and xenophobia by the World Conference on Human Rights would be reflected in the political will and commitment of the Member States.

16. With respect to the Middle East, she welcomed the historic meeting between Mr. Arafat and Mr. Rabin and expressed appreciation to all the parties who through their vision, hard work and statesmanship had made that agreement possible. It was to be hoped that the agreement would be the first step towards a durable settlement in accordance with the relevant Security Council resolutions.

17. The Special Rapporteur was to be praised for his valuable report on the question of mercenaries. The role of mercenaries in Angola was particularly alarming, since they represented an impediment to the exercise of the right to self-determination. Although in certain circles the existence of groups of mercenaries and the serious effects of their activities might have been doubted, the increase in their number and expansion of the scope of their operations, as well as possible links between mercenaries and organizations involved in the trafficking of arms and drugs, as well as terrorist groups, should compel the global community to pay greater attention to that sinister phenomenon.

18. Mr. BOTEZ (Romania) said that, in order for the genuine issues dividing peoples not to be lost in the welter of emotive words used by demagogues as a means of hiding their true intentions, a more scrupulous examination of the use and definition of the expressions "self-determination" and "racial discrimination" was needed. What Romania understood by self-determination was the inalienable right to make decisions with respect to oneself, whereas racial discrimination used the concept of race as a basis to discriminate between individuals. One of the questions raised by the practical application of those definitions was how to articulate the exercise of the right to self-determination by an individual or a people without limiting its exercise by others. The answer, which involved the area not of freedom but of democracy, was linked to the characteristics of the group which considered itself entitled to self-determination. That principle had been used by colonial peoples to justify their fight for independence as well as by colonial minorities to block that process. It had been used both as an excuse for the imperialist integration of territories and for secessions motivated by the ambition of local rulers. Racial discrimination had likewise been used as a basis for social discrimination by whites against blacks and vice versa. It was undeniable that the self-seeking way in which both concepts had been used had caused great suffering to humanity throughout history.

19. One could argue whether the "de-Sovietization" of Eastern Europe was comparable to the decolonization of black Africa, or whether it was possible to talk about racial discrimination between the peoples of Western Europe and Eastern Europe. It was, however, indisputable that with the fall of Communism, Eastern Europe had to face unexpected hardships. The collapse of a transnational ideology had awakened latent ethnic and religious fundamentalism. In the new and fragile democracies which had replaced the totalitarian States there were civic intolerance and political extremism, as well as propagation by a free press of separatism, irredentism, racism and anti-semitism. Romania, which was not exempt from those phenomena, found them deplorable. Nevertheless, they were occurring in a mature and democratic civil society.

20. In "An Agenda for Peace", the Secretary-General eloquently expressed the need to maintain a balance between two elements of great value and importance - the sovereignty, territorial integrity and independence of States, on the one hand, and the principle of self-determination of peoples, on the other. Romania agreed with that generous and realistic approach. The balance had to be based on respect for all the human rights of communities and their members, which was the final justification of self-determination - a future-oriented perspective in which bloodshed was not the price of self-determination. The principles of self-determination and non-discrimination should therefore fall within the sphere of preventive diplomacy.

21. Mr. KASOULIDES (Cyprus) said that the disappearance of East-West tensions had created a new spirit of solidarity and cooperation, which had liberated the international community from the ubiquitous threat of a nuclear holocaust but had set in motion a growing tide of discrimination and violence both within and beyond national frontiers. In different parts of the world, individuals and groups were consistently denied the enjoyment of their basic rights; demonstrations of racial hatred and intolerance against minorities were becoming an everyday occurrence. Cyprus, which had been a victim of external interference in one of its ethnic communities, the harbinger of the abhorrent

(Mr. Kasoulides, Cyprus)

practice of ethnic cleansing, was poignantly aware of the penalty of inaction both for individuals and sovereign States.

22. The two Decades to Combat Racism and Racial Discrimination had resulted in many positive developments. However, recent events and the resurrection of racial prejudice, racism and xenophobia, even in cultures and States in which those phenomena were supposed to have been overcome clearly indicated that international efforts had to be intensified in order to eliminate them. If those efforts were not kept up, the international community would run the risk of splitting into numerous micro-entities, which would be the cause of untold human suffering. It was not by chance that a large part of the Declaration and Programme of Action of the World Conference on Human Rights was devoted to racism, racial discrimination, xenophobia and other forms of intolerance. For that reason, the Cypriot delegation had welcomed the decision of the Commission on Human Rights to appoint a Special Rapporteur to examine contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance.

23. With respect to the elimination of apartheid, which had been the basic goal of the Third Committee, South Africa had embarked that year on a period of adjustment which would ultimately bring it into line with those countries which were democratic and multiracial; by means of the historic resolution 48/1, the General Assembly had lifted the sanctions against that country.

24. Cyprus was deeply concerned about the financial difficulties which the Committee on the Elimination of Racial Discrimination was experiencing. It would be necessary to strengthen it, to accord maximum priority to its aims and to implement them as soon as possible. Cyprus congratulated both that Committee and the Subcommission on Prevention of Discrimination and Protection of Minorities on their achievements despite limited finances and hoped that in the future both bodies would be in a position to carry out their mandate in a more orderly way. To that end, it was necessary for all States to pay their contributions promptly and regularly.

25. At present, the principle of self-determination, as well as the notion of the sovereign State, were open to conflicting interpretations. Although it was difficult to approach those principles outside their traditional contexts, there was an urgent need to do so in an international environment in which ethnic grievances were being exploited and the borders between nations were becoming blurred. The principle of non-interference in the internal affairs of States was also being subtly eroded.

26. The Secretary-General pointed out, in the Agenda for Peace, that the time of absolute and exclusive sovereignty had passed but that if every ethnic, religious or linguistic group were to claim statehood, there would be no limit to fragmentation, and peace, security and economic well-being for all would become ever more difficult to achieve. Unfortunately, most of those claims were based on the highly controversial principle of self-determination that had been used in a number of instances to justify flagrant violations of the norms of international law and of human rights: because of its highly charged political nature, it was expedient to manipulate that principle for political and propaganda purposes throughout the world.

(Mr. Kasoulides, Cyprus)

27. The principle of self-determination and its corollaries had traditionally been applied to Non-Self-Governing Territories (colonies) as well as Trust Territories. The principle had been further strengthened during the anti-colonialism struggle that had led to the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV). In 1966, that right had been linked to the prohibition of the threat or use of force in international relations. Resolution 2160 (XXI) implied violation of that right when peoples of sovereign countries were under military occupation by other States' forces.

28. In the past, most of the deliberations in the Third Committee and in the United Nations had focused on the principle of external self-determination: the inherent right of a "people" to determine its international status, which was granted to dependent peoples and to peoples subject to foreign domination or foreign occupation. As a result of the virtual elimination of colonialism, attention had shifted to the exercise of internal self-determination which was the right of a people living in a sovereign and independent state to choose its government freely and to enjoy genuine autonomy. The recent electoral process in Cambodia supervised by the United Nations was a striking example of the international community facilitating the exercise of that principle within a national State.

29. Since self-determination was attributed to peoples, the meaning of that term had also acquired a certain ambivalence that allowed the right of people to self-determination to be used as a weapon against the territorial integrity and political unity of States. State practice and doctrine also suggested that the principle was not linked to a specific ethnic or religious group but rather to a territorial group. It was therefore necessary to start by fixing well-defined boundaries and to permit political change within such boundaries. In his report on the work of the Organization (A/48/1) the Secretary-General noted that "between the isolated individual and the world there must be an intermediate element, an organized community that enables the individual to participate in the life of the world. This element is the State and its national sovereignty. They respond to the need of all human beings for identification. In a world both impersonal and fragmented, such a need is greater than it ever has been in history".

30. Self-determination was a right that should not be manipulated without regard for other principles of international law and it was moderated in particular by the principle of territorial integrity. Self-determination was the right of peoples, not States, but the application of that principle in the abstract with a view to the creation of more sovereign entities would lead to chaotic consequences and untold human suffering. The events that were unfolding in Bosnia and Herzegovina and in Georgia were tragic examples of the abuse of that principle.

31. Cyprus, the victim of foreign invasion and occupation by a powerful neighbour, was one of the few remaining international cases where the conditions of external self-determination were not satisfied and its people was not allowed to freely express its aspirations. In that connection, the idea had been touted that the ethnic Turkish community was a separate nation with the characteristics

(Mr. Kasoulides, Cyprus)

of a "people", promoting secession, the dismemberment and eventual division of a sovereign State Member of the United Nations. The occupying Power was claiming separate self-determination for an occupied part of the territory of a sovereign State whence the majority of the population had been forcibly expelled. Such a gross distortion of the principles of international law was counterproductive, encouraged fragmentation along ethnic or religious lines and would lead to international chaos.

32. For those reasons, the international community had refused to recognize the secessionist entity created in the occupied part of Cyprus and the Secretary-General had condemned efforts to introduce the notion of self-determination and sovereignty into the negotiations held under his good offices. That approach had been endorsed by the Security Council in its most recent resolutions. It was also for those reasons that the Republic of Cyprus considered timely and appropriate the initiative of Liechtenstein that would be discussed at a later stage; the discussions should include issues of minority rights, clarification of legal and political aspects of the principle of internal self-determination and full enjoyment of human rights within national borders to promote peaceful coexistence.

33. Mr. MRA (Myanmar) said that the right to self-determination enshrined in various United Nations instruments and reaffirmed by resolution 2160 (XXI) had inspired many developing countries such as Myanmar to join the ranks of sovereign independent nations and he hoped that all the peoples still under colonial determination and foreign occupation would soon accede to independence in accordance with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

34. His country had participated actively in the early work of the Special Committee on Decolonization. That was a clear demonstration of its commitment to self-determination. However, caution should be exercised to ensure that there was no deviation from the original idea. The Vienna Declaration and Programme of Action of June 1993 had clearly stated that self-determination did not authorize or encourage any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. Self-determination was a right applicable only to peoples under colonial domination or alien occupation.

35. Independent countries had the right to determine their own political, economic and social system and Myanmar was building a democratic society, in accordance with the wishes and aspirations of the people, by convening a national convention in which representatives from all sectors of society, political parties and national ethnic groups, as well as intellectuals, technocrats and specially invited persons participated in order to formulate guidelines for a strong and lasting State constitution. After intensive discussions, agreement had been reached on the fundamental principles for the State structure.

36. The State was constituted according to the union (Pyidaungsu) system. The existing seven territorial divisions had been designated as regions and the seven states retained their status. The seven regions and the states had equal status and authority and retained their names. If there was a desire to change

(Mr. Mra, Myanmar)

the name of a region or a state, that would be done by enacting a law after determining the wishes of the citizens residing in the region or state concerned. In the regions and states, self-administered areas were to be established for national ethnic groups which had a specific population size and shared the same territory with other ethnic groups, except in the case of national ethnic groups which had already been granted regions or states. Depending on the size of the population and inhabited area, those areas would be called self-administered divisions or self-administered zones, as appropriate. Lastly, no part of the national territory - whether a region, state or self-administered zone - could ever secede from the State.

37. Those principles, once approved by the national convention, would be firmly enshrined in the new State constitution.

38. Mr. YASEEN (Sudan) said that the elimination of racism and racial discrimination figured prominently among the recommendations of the World Conference on Human Rights, which had also urged all States to take appropriate measures to combat all forms of racism, xenophobia and acts of violence and ensure that such manifestations were punishable by law. In spite of the work by the United Nations and the international community and the numerous instruments adopted in that regard, such phenomena had increased, and, for that reason, efforts must be redoubled to combat them. In that connection, mention should be made of the report of the Secretary-General (A/48/423) on the draft programme of action for the third decade to combat racism and racial discrimination. It was necessary to eliminate the shortcomings which continued to exist in spite of the past two decades of intensive work and it was hoped that finally the world could be rid of that scourge.

39. The right of all peoples to determine their political and economic destiny and settle their conflicts without foreign interference was a universal principle enshrined in numerous international instruments. All peoples had the right to defend their territorial unity and integrity. The Serbian aggression against the defenceless population of Bosnia and Herzegovina and ethnic purification were totally unjustifiable. The international community must provide assistance to the affected Muslim population and the United Nations and the Security Council must take measures to halt those human rights violations. The international community must demonstrate its determination to defend international law and the sovereignty of Bosnia and Herzegovina. The Sudan welcomed the establishment of an international tribunal for the purpose of prosecuting those responsible for war crimes and violations of international humanitarian law in that territory and hoped that its mandate would be carried out in full.

40. The United Nations had been playing an important role in the changes taking place in South Africa. The Sudan had followed with interest the multi-party negotiations and the agreement to continue the dialogue. In that connection, it was gratifying to note the decision by the Government of South Africa to accede to or sign international instruments to put an end to racial discrimination. He hoped that all that would lead to a united, democratic and non-racial South Africa, that the level of violence would be brought under control during the transition period and that the holding of elections in April would be guaranteed. Racism and racial discrimination must be considered a crime

(Mr. Yaseen, Sudan)

punishable by law. The mere elimination of the apartheid system did not necessarily mean the elimination of that phenomenon in South Africa.

41. The negotiations being conducted between Israel and the Palestine Liberation Organization (PLO) must lead to guarantees for the rights of the Arab and Palestinian peoples on the basis of international legitimacy and, in particular, the relevant Security Council resolutions must be fully implemented. Although a new stage had begun with the signing of the declaration of principles between the PLO and Israel, lasting peace would be achieved in the region only if Israel withdrew from all occupied Arab territories, including Jerusalem, and if the refugees were permitted to return to their land and their property was returned to them.

42. It was well known that self-determination that did not automatically mean the right to secede or establish an independent State and, in that connection, mention should be made of the statement by the Secretary-General in paragraph 19 of his report "An Agenda for Peace". Furthermore, the Sudan considered the proposal by Liechtenstein relevant and hoped that the Committee would give due consideration to the explanatory memorandum contained in document A/48/147. The Sudan's experience with regard to the implementation of self-government had been satisfactory. Regional self-government had been applied in the southern Sudan since the Addis Ababa conference held in 1972.

43. There should be specific conditions for self-government, such as the consent of the Governments involved, if they considered that system more appropriate for the internal structure of the State, and agreement between the groups or territories which would be granted self-government. The approach based on self-government was flexible and could be adapted to safeguard the unity of the State and at the same time satisfy the aspirations of the groups or territories concerned.

44. Mr. ROSENBERG (Ecuador) said that the significant progress achieved recently with regard to the situation in the Middle East and South Africa represented a great victory in the exercise of the right to self-determination and the struggle against racism and racial discrimination. None the less, it was regrettable that racism had today assumed new forms leading to violence against ethnic minorities, thousands of political refugees and countless migrant workers. One conflict after another had come about in a process that had cast a pall over the initial euphoria resulting from the end of the cold war.

45. In some countries, foreigners were feared, despised and attacked, while it was forgotten that, to a large extent, those same foreigners had contributed, through their honest and dedicated work, to the progress of countries that had achieved high levels of development, not to mention the profits that earlier political systems, which had made use of the human and material wealth of the developing world, had brought to those same Powers.

46. Suppressing such new manifestations was the challenge of the third decade to combat racism and racial discrimination and, for that reason, it was appropriate to appoint a Special Rapporteur to consider new forms of racism, xenophobia and intolerance. The Vienna Declaration and Programme of Action stressed the importance of that work.

(Mr. Rosenberg, Ecuador)

47. The report of the Committee on the Elimination of Racial Discrimination (CERD) (A/48/18) summarized the eleventh and twelfth periodic reports of Ecuador, which had been commended by the Committee for their high quality and the regularity with which they had been submitted. His Government was currently preparing its replies to the questions raised by the members of CERD and would submit them in due course.

48. The work of that Committee had become increasingly important, as its Chairman, Mr. Luis Valencia Rodríguez, of Ecuador, had stated in a letter to the Secretary-General, contained at the beginning of the report. The support offered by the General Assembly to the Committee for resolving its financial difficulties would ensure its continued operation and bespoke a widespread interest in the successful fulfilment of its mandate.

49. Ecuador had always been a faithful defender of the principle of self-determination. The exercise of that right clearly did not compromise respect for the territorial integrity of States, since the component parts of a legitimately constituted State were not entitled to the right to self-determination. Any interpretation that stood to disrupt national unity or sovereign territorial integrity jeopardized the principles of the Charter.

50. Ecuadorian society, like many others, was a unified, multicultural and multiracial whole; those elements enriched, exalted and strengthened national feeling and roused popular enthusiasm for the development of the country. The recognition of pluralism could not and should not affect the historical and juridical unity of the State.

51. Mr. BRAHA (Albania) said that, since the adoption of the Vienna Declaration and Programme of Action by the representatives of 171 States - a major step by the international community towards building democracy and restoring respect for human rights and fundamental freedoms throughout the world - the work of the Third Committee had become singularly important.

52. The recent developments in South Africa and the Middle East gave reason to hope that, in the former, the racial hatred and intolerance that had prevailed in that country for centuries would come to an end, and that the elections of April 1994 would be free and fair and would result in a multiracial government, and that, in the latter, the dialogue that had commenced with the signing of the agreement between Israel and the Palestine Liberation Organization would soon lead to peace.

53. In other regions and nations, however, aggressive nationalism had roused racism and racial discrimination, notedly in Bosnia and Herzegovina, where "ethnic cleansing" was the most recent manifestation of racism. Albania stressed that the International Tribunal should immediately initiate proceedings against those persons who had perpetrated atrocities against the Bosnian Muslims so as to restore the authority of the international community.

54. Another example was Kosova, where 2 million ethnic Albanians had been subjected to massive discrimination under an oppressive and discriminatory policy applied by the Serbian authorities, which relegated them to the status of second-class citizens: they were refused education and information in the

(Mr. Braha, Albania)

Albanian language, denied health care, and subjected to political persecution, as had been documented by the reports of Mr. Mazowiecki, Special Rapporteur of the Commission on Human Rights in the territory of the former Yugoslavia, as well as by the resolution concerning the status of human rights in Kosova adopted in August 1993 by the Subcommission on Prevention of Discrimination and Protection of Minorities.

55. Self-determination, a basic human right and a prerequisite for the enjoyment of other human rights and freedoms, had assumed special significance in the current epoch, in which new sovereign and independent States had emerged and joined the international community.

56. Efforts on the part of the international community, since the end of the cold war, to shape a world order based on democracy and freedom had been undermined by acts of aggression and by the oppression of peoples in certain regions resulting from the revival of aggressive nationalism. One such instance was the Yugoslav crisis, which was simply the disintegration of an artificial entity known as the Socialist Federal Republic of Yugoslavia, and was characterized by crimes against humanity like the killing of defenceless Muslims in Bosnia and Herzegovina and the threat of extermination of other peoples of the former Yugoslavia.

57. In Kosova, 92 per cent of the population was Albanian. The people of Kosova had chosen independence after having enjoyed broad autonomy, both administrative and political, for almost half a century, especially under the 1974 Constitution of the former Socialist Federal Republic of Yugoslavia. Since 1989, when Milosevic and his warlords had come to power, Kosova had been subjected to total military occupation by Serbia, a regime that the Albanian people of Kosova had refused to recognize.

58. In 1991, after organizing a referendum in which 87.01 per cent of the population had participated, non-Albanians included, and which had shown 99.87 per cent to be in favour, the Parliament of Kosova had declared the Republic of Kosova an independent and neutral State. The Serbian military State had responded by terrorizing the defenceless ethnic Albanian population, thereby creating a situation which endangered the peace and security of the Balkan region, as various international forums, among them the Conference on Security and Cooperation in Europe and the Security Council, had confirmed.

59. It was high time for the United Nations to take effective measures to prevent the eruption of a conflict in Kosova and to formulate the necessary procedures to enable the Albanian people in that territory and other peoples of the world in similar circumstances to achieve self-determination. Such procedures should include the codification of international norms and commitments concerning the right of peoples to self-determination, which would not necessarily entail changes in international borders, and the creation of a new body within the United Nations system to address practical matters related to that principle, as well as, perhaps, a review of the mandate of the Trusteeship Council, as several delegations had proposed.

60. Mr. TUANKU JAAFAR (Malaysia) said that his country welcomed the passage of the bill by the South African Parliament on the formation of the Transitional Executive Council. Owing to that development and to the agreement to hold elections in April 1994, the final stage towards the irreversible transition to a democratic, united and non-racial South Africa had at last been reached. The United Nations must none the less continue to play the crucial role of ensuring peaceful, fair elections and of monitoring during the transitional period. The end of apartheid signalled the close of an important chapter in the history of the struggle waged by the United Nations against racism and racial discrimination, and should help to bring down the barriers of bigotry, prejudice, intolerance and xenophobia in an increasingly interdependent world.

61. In many cases, the emergence of new democracies had been accompanied by a proliferation of ethnic and other conflicts and tensions that had been suppressed during the cold war, as exemplified by the tragedy of Bosnia and Herzegovina, where inhuman acts like "ethnic cleansing", murder, torture and rape, beyond belief in the present age, continued to be committed. In that regard, the United Nations, particularly the Security Council, which was proving incapable of lending assistance and support in defence of a Member State, must ensure that its resolutions were implemented. Otherwise, as Malaysia had maintained in numerous forums, the arms embargo would have to be lifted.

62. Malaysia, whose contributions to various United Nations peace-keeping operations reflected its commitment to international peace and security, was concerned that the role undertaken by the United Nations since the end of the cold war threatened to mar its credibility. It called on all Member States to abide by the principles and ideals of the Organization.

63. The Second Decade to Combat Racism and Racial Discrimination was over, but it had had only limited success. Racism still was rampant and in some European countries had become increasingly politically charged, to the point that avowed racists had been elected to legislative bodies. Accordingly, the United Nations should continue its efforts to reduce, if not eliminate, racist tendencies around the globe. In that connection, his delegation thanked the Secretary-General for preparing the draft programme of action for the third decade to combat racism and racial discrimination (A/48/423) and hoped that that programme would not suffer the same fate as had that of the Second Decade and that the required funding would be made available to it.

64. As in South Africa, there had been positive developments in Cambodia, where during the current year the people had exercised their right to self-determination through free and impartial elections, in which the United Nations Transitional Authority in Cambodia (UNTAC) had played a major role, and in the Middle East, with the signing in Washington of the mutual recognition agreement between the Palestine Liberation Organization and Israel, which was the first step towards the establishment of a Palestinian State.

65. With regard to the proposal by Liechtenstein, in view of the apprehensions and concerns expressed, further consultations should be held before it was discussed.

66. Mr. AYEWAH (Nigeria) said that as the United Nations began the countdown to its fiftieth anniversary, much had been achieved with respect to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. His delegation welcomed the good will demonstrated by the various conflicting groups and the Government of South Africa and was reassured by the optimism of the President of the African National Congress, Nelson Mandela, when he had stated before the General Assembly the preceding month that the countdown to democracy in South Africa had begun, while cautioning that various forces in South Africa did not accept the inevitability of that outcome. Accordingly, there was no room for complacency, and all those determined to see a democratic, non-racial South Africa the following year - in particular, the Government - should rise to the occasion.

67. Although the institutionalized form of racism and racial discrimination in South Africa was crumbling, there regrettably was a resurgence of other manifestations of racism and xenophobia, which had led the World Conference on Human Rights, held in Vienna, to urge all Governments to take immediate measures and develop strong policies to prevent all forms of racism, xenophobia or intolerance and had prompted the Commission on Human Rights to appoint a Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. In that connection, his delegation, which represented a culturally and ethnically heterogenous society, condemned ethnic cleansing, which it considered not only unacceptable, but also, inexplicable.

68. His delegation, which supported the right of peoples to self-determination, welcomed with satisfaction those States established in implementation of that right which had recently joined the United Nations. However, the Organization must distinguish between the quest for self-determination as a collective wish of a people and that engineered by a handful of selfish individuals. In order to forestall any chaos that might arise in the name of that legitimate principle, the international community should withhold its political and moral support unless movements faced one of the truly exceptional situations in which self-determination would enhance democracy rather than retard it, and should encourage groups to work out their differences within existing national communities.

69. He commended the role of the United Nations and the spirit of cooperation shown by all the parties involved in the question of Western Sahara and urged them to cooperate with the Secretary-General so that talks could resume soon in order to facilitate the holding of the referendum at the end of 1994. He also fully supported the historic Washington accord between the Palestine Liberation Organization and the Government of Israel and commended the Russian Federation and the Governments of Norway and the United States for their role in that regard.

70. Mrs. WARZAZI (Morocco) said that at a time when mankind appeared to be embracing peace, mutual understanding and progress, not only did violations of the most fundamental rights of millions of human beings continue on a daily basis, but they also threatened to affect other groups whose only sin was that they belonged to a different race, religion or culture. The mass media showed heartbreaking scenes daily, for example, in Bosnia and Herzegovina, Abkhazia and Haiti.

(Mrs. Warzazi, Morocco)

71. Far from subsiding, racism was increasing with such violence that all the measures taken by the international community over a 45-year period appeared to have failed. One study indicated that during 1989 and 1990, 32 out of 33 conflicts had been civil wars or conflicts between ethnic or religious groups.

72. One of the most pernicious characteristics of racism was violence, which was occurring on all continents. Of particular concern was the plight of migrant workers in certain developed countries where daily incidents of violent discrimination occurred that could not be explained by the economic situation in those countries.

73. Her delegation took note of the decision by the European Community to adopt all necessary measures to combat racism. It agreed that all propaganda or incitement to hatred or discrimination should be prohibited and punished.

74. She was pleased to note that article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination would at last achieve its objective. Its importance was undeniable, as was the need to put an end to the abusive use of freedom of expression and ensure that the mass media did not contribute to inciting racism and xenophobia. Efforts to eliminate or prevent racism should focus in part on information and education activities on television. The mass media also should play a role in promoting the initiative by UNESCO to sensitize public opinion regarding intolerance.

75. Her delegation hoped that the Special Rapporteur recently appointed by the Commission on Human Rights to consider contemporary forms of racism, racial discrimination and xenophobia and related intolerance would spare no effort in carrying out his work. To that end, he should have access to all reliable sources of information and should be able to count on the full cooperation of all States.

76. The third decade to combat racism and racial discrimination should be adequately funded, in particular, by countries which were in the best position to do so. In any event, it was unfortunate that 28 years after the adoption of a convention to combat racism, the international community had to proclaim a third decade to continue the struggle against one of the most terrible plagues affecting mankind.

77. Mrs. JAHAN (Bangladesh), speaking in exercise of the right of reply, said that her delegation had noted with surprise and regret that reference had been made to the emergence of her country during a lengthy exchange between two delegations in the course of the current debate. She requested that delegations refrain from making such comments.

The meeting rose at 5.40 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
9th meeting
held on
Monday, 18 October 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, A/48/76-S/25230, A/48/81, A/48/118, A/48/291-S/26242, A/48/423, A/48/438 and A/48/439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/48/94, A/48/207, A/48/211, A/48/307, A/48/330, A/48/357, A/48/384 and A/48/385)

1. Mrs. HASSAN (Egypt) said that faith in the dignity and worth of mankind and respect for individual rights and freedoms, without distinction on the basis of race, sex, language or religion, were among the fundamental principles underlying the United Nations Charter, the Universal Declaration of Human Rights and all the international conventions against racism and racial discrimination. Although over the 50 years of its existence the United Nations had made substantial progress in applying those laudable principles, much remained to be done. Her delegation was convinced that the third decade to combat racism and racial discrimination and the programme of action proposed for that decade would crown the important results obtained during the first two Decades.

2. Further, recalling the Vienna Declaration issued at the conclusion of the World Conference on Human Rights, which stressed the need to eliminate racism and racial discrimination in all its forms, whether traditional or contemporary, her delegation welcomed the appointment by the Commission on Human Rights of a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and stressed the importance of coordinating the work of the Rapporteur with that of the Committee on the Elimination of Racial Discrimination. In addition she welcomed the decision by the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to amend the text of the Convention to allow its funding under the regular budget of the United Nations, since that could only improve the Committee's effectiveness.

3. Recent developments in the situation in South Africa gave cause for optimism, in which connection Egypt supported the current consultations intended to establish the bases of a democratic and non-racial society in that country. Her delegation also welcomed the agreement by the parties to set up a Transitional Executive Council and trusted that at the conclusion of the historical process now under way the elections due to be held in April 1994 could be held as planned.

4. Recalling that Bosnia and Herzegovina was a victim of new racist practices, such as expulsions of populations, the rape of thousands of Muslim women and the detention of thousands of men in prison camps, which, under the vile policy of "ethnic cleansing", were intended to rid the land of its original inhabitants, her delegation stressed that it was absolutely essential for the international community to find a solution to the crisis and make a stand against aggression using all the means provided for under the Charter, for the rules of the international legal order, the provisions of the United Nations Charter and the principles of international law must be uniformly applied throughout every region of the world, a point on which her delegation insisted.

(Mrs. Hassan, Egypt)

5. Egypt had always considered the right to self-determination to be a fundamental right for all the peoples of the world, as recognized and set forth in the United Nations Charter, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Since the founding of the United Nations, Egypt had always supported efforts by the Organization to allow oppressed peoples to achieve self-determination and independence.

6. Her delegation welcomed the considerable progress made in the Middle East with the conclusion by the Palestine Liberation Organization and Israel of a mutual recognition agreement and the agreement to establish the foundations for an autonomous Palestinian authority. It was important for the international community to support those peace initiatives and provide the Palestinian people in the occupied territories with sufficient aid to compensate for the long years of suffering they had endured under occupation and enable them to build their own national institutions.

7. While stressing that that new step forward would ultimately allow the Palestinian people to fully exercise their right to self-determination, her delegation invited all Member States to support the most recent Palestinian-Israeli agreement, which was simply a declaration of intent that would require a framework of peace encompassing the entire Middle East region, based on justice and on the principle of exchanging territory for peace.

8. Mr. PARSHIKOV (Russian Federation), speaking under item 107, said that the main objective of the Second Decade to Combat Racism and Racial Discrimination had been attained since the process of eliminating apartheid had become irreversible, as confirmed by the most recent developments in South Africa, and the General Assembly of the United Nations itself had decided to lift the sanctions imposed on South Africa. Nevertheless, racism continued to exist and was even growing worse in some parts of the world, so that the international community must redouble its efforts to combat all aspects of racism, xenophobia and other forms of intolerance of which such vulnerable groups as national minorities, migrant workers, indigenous peoples and refugees were victims.

9. In that connection he drew the Committee's attention to the report of the Secretary-General (A/48/423) containing a draft programme of action for the third decade to combat racism and racial discrimination. His delegation thought that the title of the decade should be amended; he supported the proposal to proclaim a decade to combat racism, racial discrimination and ethnic intolerance.

10. Under the decade, the United Nations should coordinate legislative, administrative and legal efforts at the regional and national levels. In that connection he drew attention to the declaration and plan of action to combat racism, xenophobia, anti-semitism and intolerance recently adopted by the Council of Europe.

11. Russia accorded particular importance to minority rights, on which the World Conference on Human Rights held at Vienna had focused. The Commission on Human Rights should consider how to promote and defend the rights proclaimed in the Declaration on the Rights of Persons belonging to National or Ethnic,

(Mr. Parshikov, Russian Federation)

Religious and Linguistic Minorities. Consideration of the question of establishing, under the Commission on Human Rights, a post of special rapporteur on questions relating to the rights of individuals belonging to national or other minorities should also be expedited. A United Nations convention on the protection and guarantee of minority rights should be adopted.

12. Turning to item 108 (a), he said that because of the process of national renewal and establishment or re-establishment of sovereignty, the issue of the right of peoples to self-determination was equally pressing. While self-determination was one of the basic principles of international law, those to whom that right applied had not yet been identified although it was essential to do so if the international community was to be able to resolve international conflicts. Furthermore, that issue was likely to arise in the future in several other countries, where post-colonial frontiers had artificially demarcated ethnic territories. A flexible formula must be sought which ruled out even the possibility of armed force. It was important to find a way of reconciling the principle of the territorial integrity of States with that of the self-determination of peoples. It must be understood that self-determination did not automatically mean separation and the establishment of new and independent States, nor was it synonymous with isolationism or ethnic separatism. In accordance with the 1970 Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the right to self-determination should not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. Thus, acts of States which proclaimed their attachment to the principle of self-determination, while engaging in subversive activities against sovereign States and openly supporting armed separatist groups and religious fanatics, could not be tolerated.

13. At the forty-seventh session, his delegation had suggested that real autonomy might be the best formula, as it would make it possible to guarantee the right of ethnic and national minorities to self-determination without impairing the principle of the territorial integrity of States. In that connection, the Russian delegation considered the Liechtenstein initiative, which would be examined subsequently, to be especially timely and useful.

14. Mr. THAKUR (India) drew attention to the recent award of the Nobel Peace Prize to Nelson Mandela and President De Klerk, the two men responsible for the change in South Africa. That event was an acknowledgement of the irreversibility of the process of establishing a democratic and non-racial South Africa. India was particularly proud of that progress, as it had been one of the first countries to speak out in the United Nations against apartheid. The agreement to establish a Transitional Executive Council in South Africa and to hold the first non-racial elections in April 1994 was a historic development. For the first time, the South African people would be able to exercise, without discrimination on grounds of sex, religion or race, their right to elect a Government. The lifting of economic sanctions and the re-establishment of international ties would help to put the country on the road to economic stability and progress in the post-apartheid era.

(Mr. Thakur, India)

15. Despite those reasons for rejoicing, the emergence of new forms of racism elsewhere in the world, as referred to in the report of the Committee on the Elimination of Racial Discrimination (CERD) (A/48/18), of which India was a member, could not be ignored. The CERD recommendations merited careful consideration by the General Assembly.

16. Turning to agenda item 108, he recalled that the World Conference on Human Rights, held recently at Vienna, had addressed the issue in a comprehensive manner. After reading out the definition of self-determination contained in the Vienna Declaration, he stressed that recognition of that right was not "to be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States".

17. At the close of the twentieth century, nation-States were as varied in their history as in their composition and size. The process of accommodating the conflicting interests of the groups making up those States was precisely what the Charter of the United Nations had envisaged as defining self-determination, in the context of friendly relations among States and in conjunction with the principle of equal rights of peoples. With the adoption of the Declaration on decolonization, the principle of self-determination had evolved into a right. The territories whose people had not yet exercised such a right had been so identified by the United Nations, which had entrusted the task of speedily implementing the Declaration to the Special Committee on decolonization. Fortunately, there were currently only a few territories and peoples which had not yet had the opportunity to exercise that right.

18. Independent nations, consisting of multi-ethnic and multi-religious populations, should focus on their national identities and aspirations. It was for them to decide, and not for any outside agency to dictate, the extent of autonomy which the various groups within a State should enjoy. Recalling that the Secretary-General had warned against the excessive fragmentation of States into ethnic, religious or linguistic groups, which would make it even more difficult to achieve peace, security and well-being for all, he stressed the duty of the international community to emphasize tolerance, pluralism and the coexistence of diverse cultural and ethnic constituents within the framework of a common civilization.

19. Mrs. des ILES (Trinidad and Tobago), speaking on behalf of the 12 States members of the Caribbean Community (CARICOM), recalled that, at the World Conference on Human Rights, held in June 1993, the States Members of the United Nations had unanimously established, as a priority for the international community, the speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance. On the threshold of a third decade to combat racism and racial discrimination, it was imperative that a new impetus be given to the collective pursuit of that goal and to revitalizing the role of the United Nations in that area, through the inclusion of practical activities in the draft programme of action for the third decade. There was also a need for innovative and pragmatic approaches to the implementation of that programme. Activities should be geared to minimizing tensions within communities and maximizing the participation of all, regardless of their race, religion, ethnic origin or sex, in all aspects of life in their

(Mrs. des Iles, Trinidad and Tobago)

societies. The appointment in 1993 of a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance would, if afforded full support and cooperation, advance that goal.

20. It should not be forgotten that, while policy makers deliberated as to the origins of racial and ethnic tensions, many innocent people continued to be victims of the despicable and delusionary cause of alleged racial and ethnic superiority. The plight of those victims should be borne in mind as the programme of action for the third decade was finalized.

21. The States of the Caribbean Community supported most of the recommendations made by the Secretary-General in his report on the draft programme of action for the third decade (A/48/423), especially the suggestion that the decade should be devoted to combating racism, racial discrimination and ethnic intolerance. They also believed that the Secretary-General's proposals for seminars, workshops and studies, including a seminar on the role of the mass media in disseminating or combating racist ideas, would be useful. However, over-reliance on such academic approaches should be avoided.

22. At a time when Governments and the peoples they represented were beginning to question their capacity and willingness to pay the price, especially in terms of human lives, of active involvement in United Nations peace-keeping operations throughout the world, more of the Organization's creative energies and financial and human resources must be channelled towards social and humanitarian activities. Member States must demonstrate a greater determination to invest in the future, especially by enhancing the capacity of developing countries to address the root causes of racial and ethnic tensions and conflicts. Unconditional support must be given to the preparation of teaching materials and aids in order to promote education against racism in primary and secondary schools and to train teachers for that task.

23. The CARICOM member States also supported the Secretary-General's proposal to develop a pilot project on intercommunal mediation and negotiation aimed at anticipating ethnic conflicts. The project could, at the invitation of the Government concerned, reduce racial and ethnic tensions through mediation and negotiation. In that regard, CARICOM supported the steps taken by the Committee on the Elimination of Racial Discrimination (CERD) to develop early warning and emergency procedures to prevent violations of the International Convention on the Elimination of All Forms of Racial Discrimination. Preventive measures, however, should be instituted in accordance with the principles and other provisions of the Charter of the United Nations. For that reason, CARICOM did not support the call for measures to empower expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, together with recommendations for action. Proper procedures had long been established for bringing threats to international peace and security to the attention of the Security Council. Furthermore, it was the task of CERD to report annually to the General Assembly and make suggestions and recommendations based on the consideration of reports and information received from the States parties. It was therefore inadvisable for CERD to consider at its 1994 session draft procedures aimed at facilitating the submission of its recommendations to the Security Council. There was a need to be wary of the possibility of subordinating the Economic and Social Council to the Security Council and

(Mrs. des Iles, Trinidad and Tobago)

placing the Security Council at the apex of the United Nations system, in a manner which was not intended under the Charter and would not necessarily promote democracy in the Organization's decision-making.

24. CERD performed important tasks. CARICOM expressed support for its valuable work and applauded the decision to finance its activities through the regular budget of the United Nations. Some CARICOM member States had already ratified that important decision by the General Assembly and the others were strongly committed to doing likewise.

25. It was widely acknowledged that the enactment of national legislation against racism, racial discrimination and ethnic intolerance could not guarantee effective protection against that danger. It was also important to recognize that the revocation by the white minority Government of the main apartheid laws would not in itself protect the majority population from the debilitating effects of that pernicious system, which pervaded all aspects of life in South Africa.

26. While CARICOM welcomed the appointment of a special rapporteur on the monitoring of the dismantling of apartheid and the transition to democracy in South Africa, it noted that her restrictive mandate would not allow her to address in a concrete manner the grave inequalities between the minority and majority populations, which would threaten the stability and prosperity of post-apartheid South Africa.

27. Following the lifting of the economic sanctions on 8 October 1993, South Africa would be in need of considerable investment and technical assistance. In his report on the draft programme of action for the third decade to combat racism and racial discrimination, the Secretary-General had proposed the organization of training courses in human rights for the police, the military and the judiciary and also highlighted the need to overhaul the educational system in South Africa. Those measures were insufficient and should be augmented by other concrete steps to address adequately the grave inequalities in all sectors.

28. CARICOM endorsed the position taken by the OAU Ad Hoc Committee on Southern Africa in support of the establishment or restoration of full diplomatic relations with South Africa, following the installation of an elected interim Government of national unity pursuant to the elections to be held on 27 April 1994.

29. The 1993 World Conference on Human Rights had defined the denial of the right to self-determination, as a violation of human rights and affirmed that the realization of that right should not be construed as encouraging any action which would impair the territorial integrity or political unity of sovereign and independent States. The United Nations should proceed very cautiously with regard to any suggestion to change the cases provided for under General Assembly resolution 1541 (XV) for defining an act of self-determination. The peculiarities of the situations facing various communities around the world appeared to preclude the adoption of a specific framework for addressing successfully the yearnings of all peoples for self-determination. The Third Committee should consider whether any new prescriptions for the realization of

(Mrs. des Iles, Trinidad and Tobago)

that human right might be detrimental to the interests of the entities on the list of Trust and Non-Self-Governing Territories. CARICOM would closely follow developments concerning that issue, which was of importance to the Caribbean region as a whole.

30. The CHAIRMAN informed delegations that the deadline for the submission of draft resolutions on agenda items 107 and 108 (a) had been extended to 3 November 1993, at 1 p.m.

31. Mr. ABDELLAH (Tunisia), referring to agenda item 107, said that the development of the situation both in South Africa and with regard to the Palestinian problem encouraged optimism. In that connection, he welcomed the progress made in South Africa towards achieving a united and non-racial society, as demonstrated by the planned establishment of an executive transitional council and the first democratic elections in April 1994. Tunisia, which had participated actively in the multilateral negotiations on the Middle East, welcomed the historic step that had just been taken by Israel and PLO in adopting a declaration of principles and he reiterated the hope that the process under way would lead to a just and lasting settlement on the basis of Security Council resolutions 242 (1967) and 338 (1973), as well as the relevant recommendations of the General Assembly.

32. That notable progress must now however conceal the appearance of new forms of racism, such as the odious practice of ethnic purification in the case of Bosnia and Herzegovina. His delegation once again urged the international community to take urgent steps in response to the aggression committed against the Bosnian Muslims. Hesitation or indifference with regard to that human tragedy only encouraged the continuation of the crime of ethnic purging.

33. Racism manifested itself also through acts of xenophobia and intolerance against vulnerable groups, like migrant workers. Alarmed by the increase in the mistreatment of workers, his delegation reiterated its appeal to host countries to strive further to contain manifestations of racial tensions and eliminate the causes. Those countries should strengthen mechanisms for preventing racist acts and incitement of hatred in order to protect migrant workers and promote a spirit of tolerance. The host countries should also endeavour to normalize the situation of immigrants by protecting their dignity, interests and acquired rights. Administrative restrictions and turning immigrants away could not solve the problem of emigration. The best way to control migratory flows was rather to support development in the countries of origin by increasing and diversifying investments and guaranteeing access to foreign markets for their products. With that in mind, the President of the Tunisian Republic had spoken in favour of the co-development approach in the interest of the two parties. In the same vein, he had expressed his views before the European Parliament during the summer in Strasbourg, reiterating his proposal for the adoption of a charter between host countries and the countries of origin of the North African population in Europe.

34. Therefore, his delegation supported the decision of the Commission on Human Rights to appoint a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

(Mr. Abdellah, Tunisia)

35. Tunisia also supported the draft programme of action for the third decade to combat racism and racial discrimination, since the previous decades had not achieved adequate results.

36. His delegation was, however, convinced that international action must be backed by a national will to eliminate racism. In that connection, Tunisia attached great importance to education as a means of instilling into individuals the principles of equality and non-discrimination, and noted with satisfaction that the draft programme of action for the third decade stressed the role of education in the fight against racism.

37. The World Conference on Human Rights had clearly stated in the Vienna Declaration and Programme of Action that the elimination of all forms of racism was a priority task for the international community and for a world programme to promote human rights.

38. Mrs. RAOELINA (Madagascar) said that, while two decades to combat racism and racial discrimination had produced results, new forms of racism were emerging whose targets were migrant workers, refugees and ethnic minorities. During the third decade, much thought would have to be devoted to that widespread phenomenon in order to design methods of teaching and training the population on how to deal with it. Governments, United Nations bodies and specialized agencies, international and regional organizations and non-governmental organizations must join forces and redouble their efforts towards that end.

39. Following the establishment on 23 September 1993 in South Africa of a Transitional Executive Council and the lifting of international economic sanctions against that country as requested by the President of the African National Congress of South Africa (ANC) on 24 September 1993 before the Special Committee against Apartheid, South Africa was planning to hold elections in April 1994 leading to the establishment of a united, democratic and non-racial South Africa; however, as shown by the recent acts of violence, which her delegation condemned, the transitional period was fraught with difficulties. She extended congratulations to the President of the Republic of South Africa and the President of ANC on the award of the Nobel Peace Prize.

40. In view of the upsurge of racial and ethnic violence in many parts of the world, she supported the decision taken by the Commission on Human Rights to appoint a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. She welcomed the decision to establish an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

41. After stressing the relevance of the International Convention on the Elimination of All Forms of Racial Discrimination and the Committee on the Elimination of Racial Discrimination she noted with pleasure that the Secretary-General had, pursuant to General Assembly resolution 47/111, taken appropriate measures to provide for the financing of the Committee from the regular budget of the United Nations.

(Mrs. Raoelina, Madagascar)

42. She also welcomed the signing at Washington on 13 September 1993 of the Declaration of Principles on Interim Self-Government Arrangements between the State of Israel and the Palestine Liberation Organization, which constituted a giant step forward in the search for a comprehensive political settlement in the Middle East.

43. She stressed the importance of the universal application of the principle of the right of peoples to self-determination, a necessary precondition to the full enjoyment of all human rights, and congratulated the Special Rapporteur on the question of the use of mercenaries on the quality of his report (A/48/385) and his pertinent recommendations.

44. Mr. JAAFARI (Syrian Arab Republic) drew attention to a new phenomenon engendered by certain opponents of the principle, the sacred nature and the legitimacy of the right of peoples under foreign occupation and colonial domination to self-determination. After years of tyranny and injustice, during which the occupying Powers had refused to implement the principle of the right of peoples to self-determination, new political and legal concepts were now being put forward to replace that principle. Thus, autonomy had been converted into a form of self-determination and, what was even more amazing, was that the valiant Palestinian people had been granted, as a privilege and on a trial basis, the "benefits" of provisional autonomy until it "came of age" and proved itself capable of enduring the unjust treatment inflicted upon it by the Israeli occupants.

45. The exercise of the right of peoples to self-determination was the noblest experience known to man and no one had the right, regardless of the reasons cited, to decide the fate of peoples by invoking the new international order. The Syrian Arab Republic was concerned that as matters stood the very legal foundations of international legitimacy might be undermined, thus reviving some methods of the cold war which had been used to fight against many countries of the third world.

46. The subjective interpretation of the principle of self-determination stripped it of any legal and moral value. States were therefore legitimately concerned about the use of double standards in the efforts to combat racial discrimination, aggression and occupation. Moreover, recent international upheavals had spawned new areas of tension while, apart from very few exceptions, the previous crises were yet to be settled. His delegation was convinced that matters were progressing favourably despite occasional setbacks. Nevertheless, it noted with concern that the concept of "intermediate solution" that tended to put aggressors and victims on an equal footing was becoming increasingly widespread. The attempt to apply that concept at any cost appeared to be one of the main factors behind the considerable intensification of political and financial efforts made by the United Nations with a view to settling the world's problems and mentioned by the Secretary-General in his annual report on the work of the Organization.

47. The General Assembly had continually adopted explicit resolutions that clearly showed that the United Nations rejected all arguments aimed at preventing peoples from exercising their right to self-determination. Thus, resolution 47/82 called upon all States to implement fully and faithfully all

(Mr. Jaafari, Syrian Arab Republic)

the relevant resolutions regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination, and reaffirmed the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation, in all its forms and by all available means.

48. All other rights emanated from the right of peoples to self-determination. It was an inalienable, non-transferable, immutable and imprescriptible right which was the very basis of the existence, the rights and the obligations of States. The right of peoples to defend their sovereignty and territorial integrity was based on that right. Those who were attempting to promote the concepts of "limited sovereignty", "conditional sovereignty" or "restricted sovereignty" were seeking to introduce into international humanitarian law legal principles that were contrary to the very nature of international relations and to circumvent the principles of self-determination and full respect for the sovereignty of States enshrined in international law.

49. He supported the measures for the complete elimination of apartheid and support for the establishment of a united, non-racial and democratic South Africa proposed in the report of the Secretary-General (A/48/423) on the draft programme of action for the third decade to combat racism and racial discrimination (1993-2003), and endorsed the aims and objectives of that decade. He also noted with satisfaction that the report established that racial discrimination was clearly linked to intolerance, ethnic discrimination, other contemporary forms of racism and xenophobia directed towards foreigners, refugees and immigrant workers.

50. Unfortunately, all of those forms of intolerance, exclusion and oppression were not exclusive to South Africa. Indeed, feelings of ethnic, religious and cultural superiority were spreading almost everywhere in the world and the number of "chosen" peoples had never been as large. In that regard, he wished to request that the latest reports should refer to the dangers inherent in such phenomena.

51. For its part, the Middle East had long been seeking the means to put an end to aggression and war, to establish a just and comprehensive peace and to live in stability and prosperity. Decades had gone by since the international community had established the legal basis for a peaceful settlement of the Arab-Israeli conflict by successively adopting hundreds of resolutions on the question. Regrettably, Israel had so far only complied with half of one of those resolutions, namely General Assembly resolution 181 (II) of 1947 on the partition of Palestine, of which it had implemented only those provisions providing for the creation of "the State of Israel" while disregarding the portion concerning the Palestinian territory which it hoped one day to annex. Since then, the expansionist efforts and acts of provocation of the Israelis, who had arrogantly and persistently denied the rights of others, had reached the stage where they could no longer be ignored. When the Madrid Peace Conference was convened, all the countries which had agreed to go to the negotiating table had done so on clear bases, namely, on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) and of the principle of the return of the occupied Arab territories in exchange for peace. Today, two years after the

(Mr. Jaafari, Syrian Arab Republic)

convening of the Conference, the negotiations were still bogged down. Israel had sought to convince others that the Middle East had been transformed overnight into a region of peace and prosperity, that the Israeli occupation had come to an end and that the Palestinian, Lebanese, Jordanian and Syrian territories had been returned to their rightful owners. The leaders of Israel had even gone so far as to propose tourism and economic projects for the region as well as joint development plans at an astronomical cost, while peace was still only a dream.

52. The Syrian Arab Republic wished to make it clear that there could be no peace in the Middle East while the territories remain occupied and while the rights of the peoples continued to be violated. Likewise, there could be no "limited" peace, peace subject to conditions or an unjust peace. Moreover, in order to establish peace a comprehensive solution must first be reached and the courage must be found to do away with the law of the jungle which spared no one. The Arab parties had repeatedly declared that they would welcome peace initiatives and had emphasized that the Madrid Peace Conference should result in comprehensive and just peace agreements which guaranteed the rights of all parties, including the right of the Palestinian people to self-determination in their own territory and the right of the Arab peoples to recover their occupied territories. The Syrian Arab Republic, for its part, would continue to cooperate with the two States which were co-sponsors of the peace process, since it sought a genuine and comprehensive peace and not merely "a half" or "a quarter" of peace.

53. The World Conference on Human Rights had adopted a large number of recommendations on racism and racial discrimination. In addition, the United Nations had elaborated numerous international instruments to combat racism and racial discrimination and to extirpate the roots of the evil. Nevertheless, and despite all of those efforts, there still existed in many parts of the world a growing gulf between words and deeds. Moreover, through a disintegrating veneer of civilization, even more odious forms of racism, racial discrimination and moral obscurantism were making their appearance. The practitioners of such phenomena and all those in the civilized world who protected them should be ashamed.

54. It would be a mistake to think that the new barbaric concepts of "ethnic cleansing" and "religious cleansing" had made a sudden appearance. They were in fact only the logical extension of a series of operations of "cultural and intellectual cleansing" which one civilization had continuously pursued for centuries against other civilizations. Indeed, exclusion, intellectual alienation and informational hegemony engendered contempt, hate and rejection.

55. Mr. MARUYAMA (Japan) said that the Committee should adopt a realistic and constructive approach which took into consideration, as the Assistant Secretary-General for Human Rights had observed in his introductory statement, the drastic changes which the world had undergone in the area of racism, racial discrimination and the right to self-determination. Japan shared the view of the Assistant Secretary-General for Human Rights that racism and racial discrimination were obstacles to ensuring respect for human rights both nationally and internationally and agreed that the Centre for Human Rights should continue to provide coordination for related activities within the United

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Nations system. In that connection, the proposed launching of a third decade to combat racism and racial discrimination would give new impetus to the struggle. Generally speaking, his delegation was not enthusiastic about establishing new mandates through the launching of Special Decades or Years, since such events did not in themselves solve problems unless realistic means of achieving their aims were devised. Although the Second Decade was coming to an end, some elements of the Programme of Action had not yet been implemented. The Committee should explore ways of avoiding the same failures during the third decade and ensure that that decade responded to the needs which had arisen as a result of the changes that had taken place in the world. His delegation welcomed the suggestions contained in the report of the Secretary-General (A/48/423) and believed that it would perhaps be useful to amend the title of the third decade in order to more precisely identify its objectives. It also supported the recommendations of the Secretary-General concerning the coordination of United Nations activities to implement the third decade. At the midpoint of the decade, a comprehensive review of the programme of action should be undertaken which would benefit from reviews on an annual basis, as suggested in the report of the Secretary-General.

56. In view of the growing importance of contemporary forms of intolerance and xenophobia, his delegation supported the idea of consolidating all programmes that were being carried out in that area by the United Nations and its specialized agencies. It also supported frequent and closer contact between bodies that shared the same concerns.

57. No programme could come to fruition, however, without the necessary financial support. In view of the new mandates that had been given to the Centre for Human Rights, his delegation believed that the Centre had a legitimate claim to an increased share of resources.

58. In South Africa, the Middle East and Cambodia and elsewhere in the world, changes marked the beginning of a more democratic era. In order to overcome the remaining obstacles, the international community must show solidarity in its efforts.

59. His delegation fully supported the efforts being made to create a united, democratic and non-racial South Africa and to accelerate the multi-party negotiating process. It urged all parties in South Africa to prevent the disruption of the transition to democracy. For its part, Japan would continue to provide support for the eradication of apartheid and other forms of racial discrimination, including assistance to the victims of institutionalized racism.

60. His delegation welcomed the Declaration of Principles on Interim Self-Government Arrangements by the leaders of Israel and the Palestine Liberation Organization, and hoped that that agreement would lead to a real and lasting peace as smoothly and quickly as possible. The Japanese Government also intended to extend approximately $200 million in assistance to the Palestinians over the following two years.

61. In face of the large number of conflicts over self-determination, his delegation wished to emphasize that the right to self-determination and the defence of one's ethnic group were no justification for violence. "Ethnic

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cleansing" and other forms of brutality perpetrated in the name of self-determination must be renounced.

62. The Third Committee should pursue its work in such a manner as to contribute to the constructive solution of conflicts over self-determination. Drawing the Committee's attention to the letter from the Chairman of the Committee on the Elimination of Racial Discrimination contained in document A/48/18, annex VI, he expressed the hope that the General Assembly at its current session would adopt the resolution under discussion, which reflected the changes that had taken place in the world and that the Third Committee would, in the same spirit, adopt other resolutions on various items, which would promote confidence in its work.

The meeting rose at 11.55 a.m.